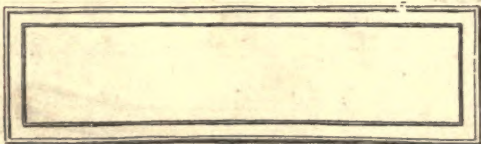
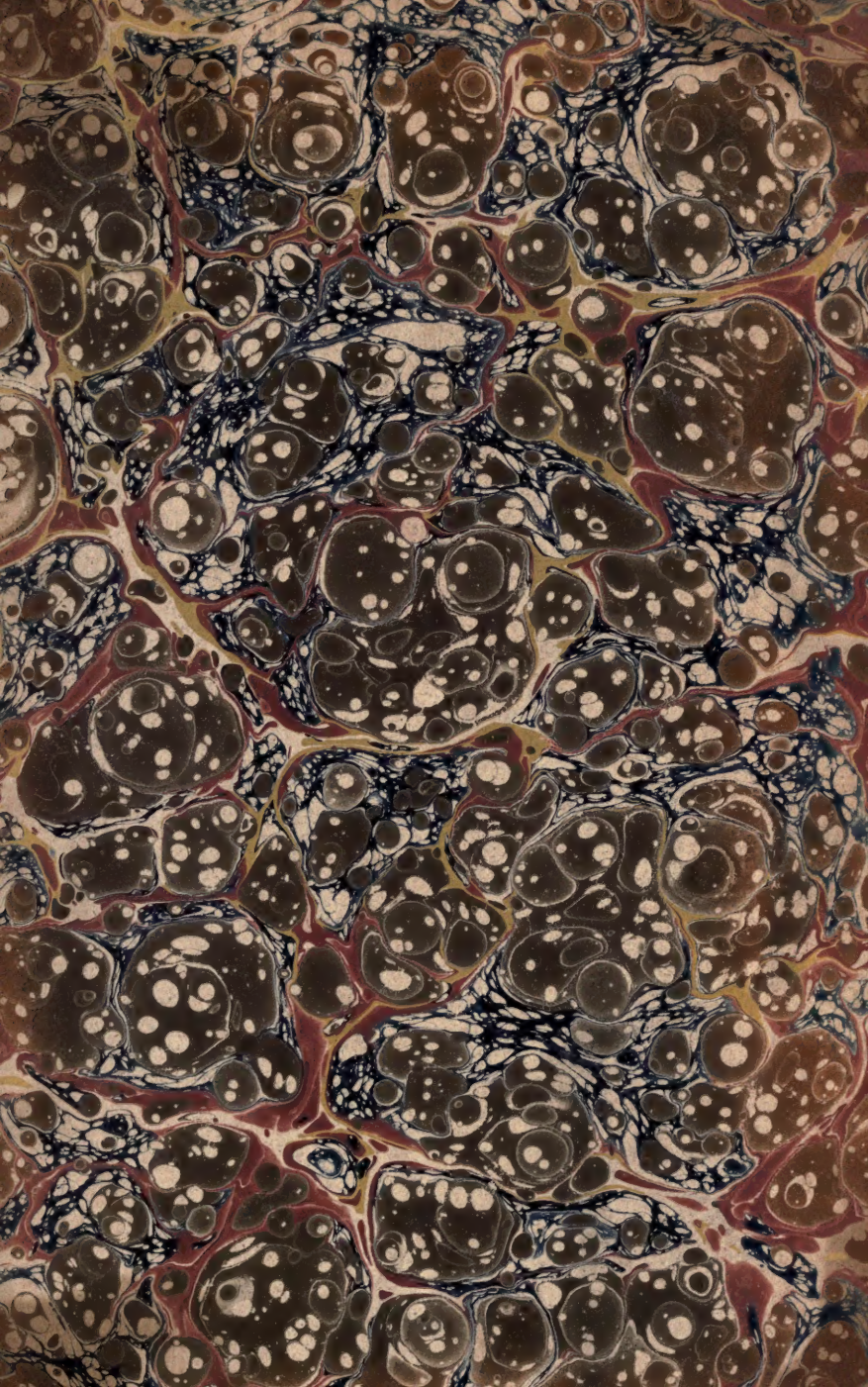


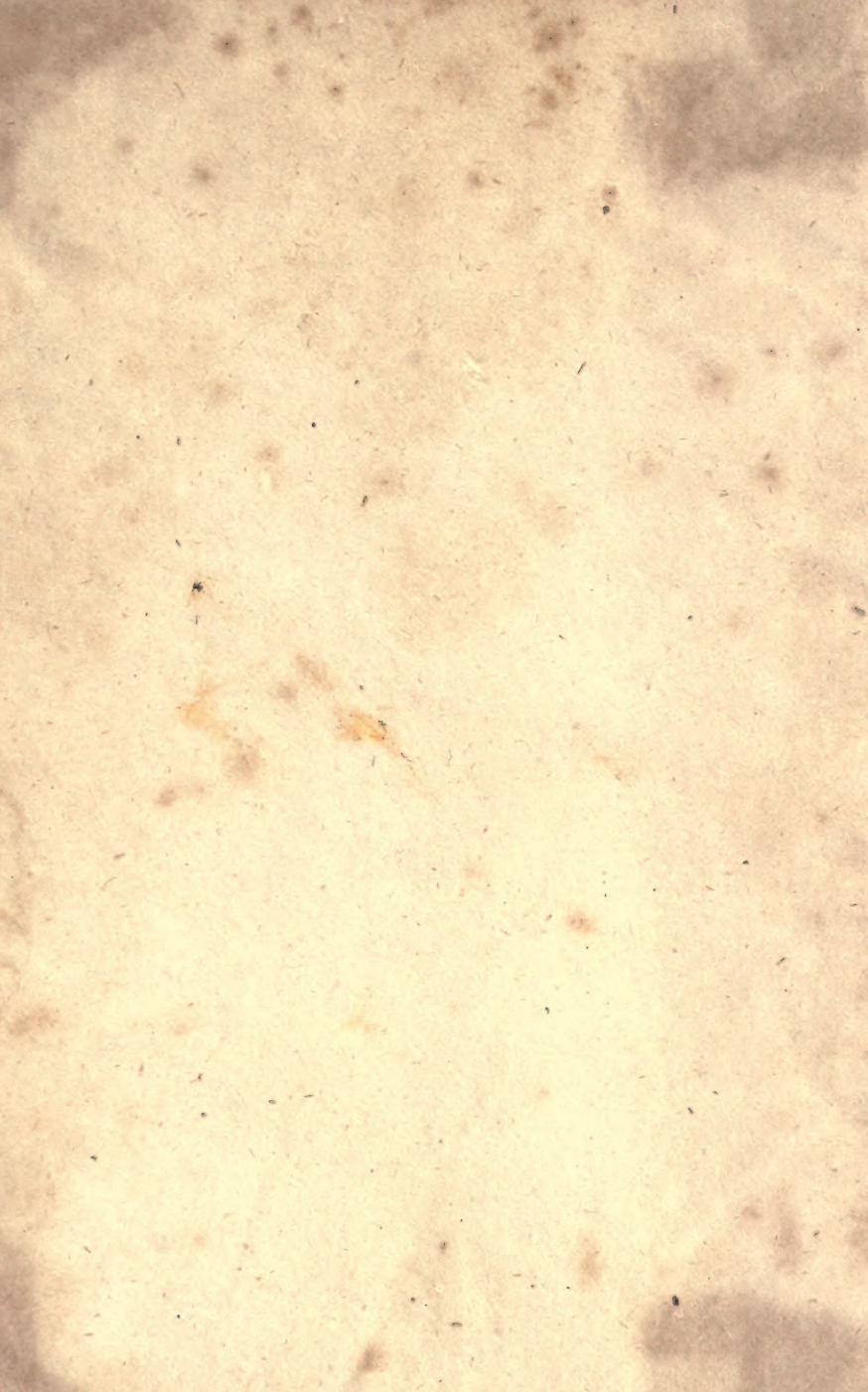


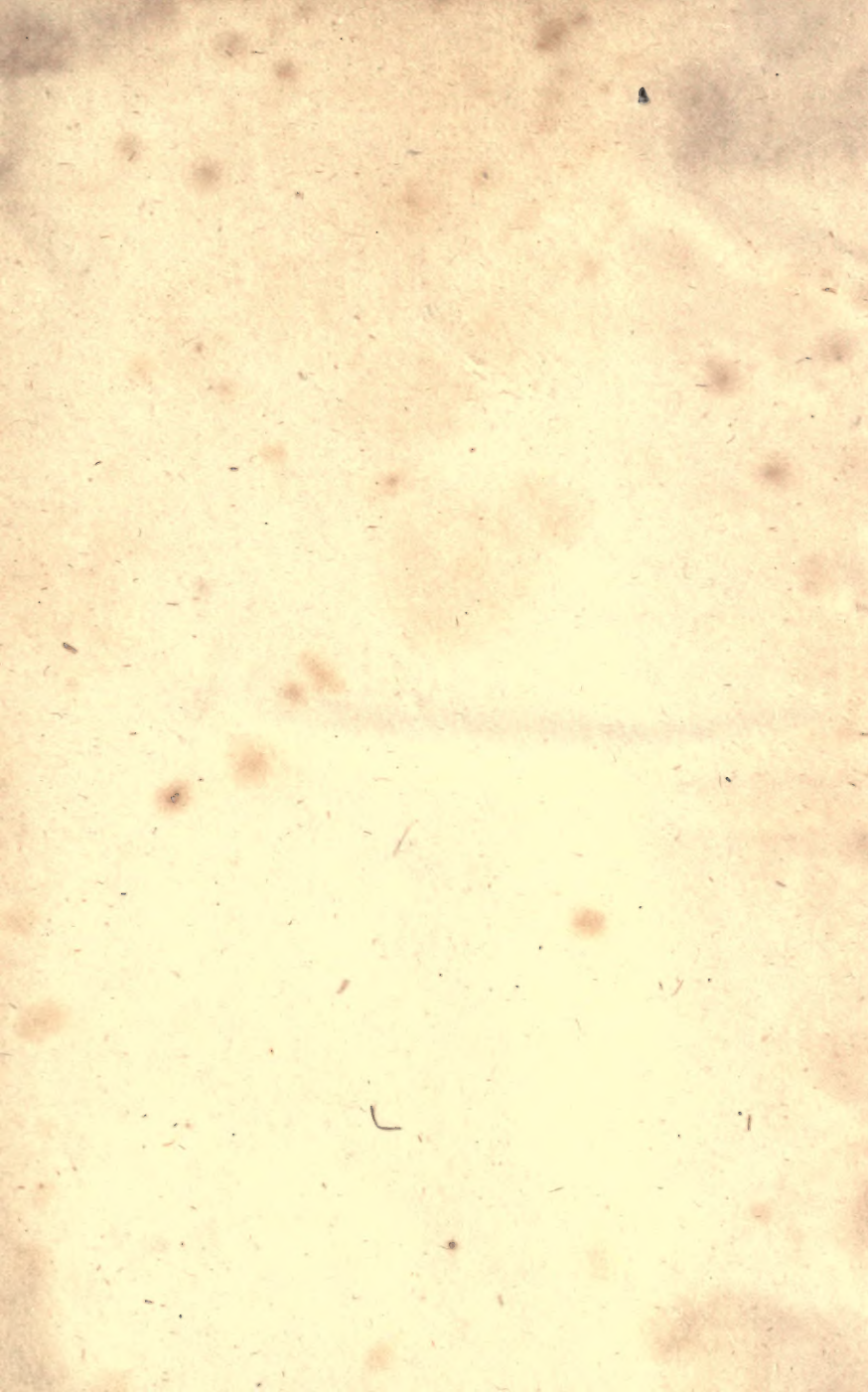


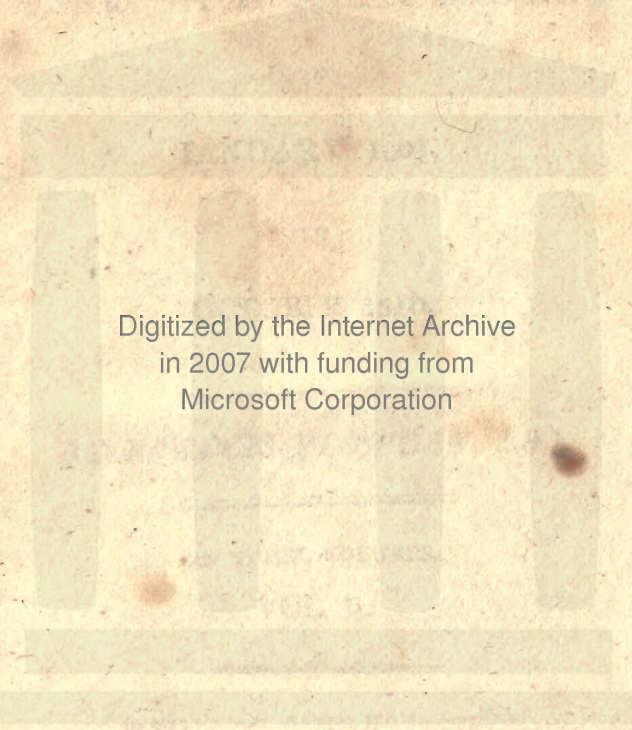
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THE
HISTORY OF IRELAND,

FROM ITS
UNION WITH GREAT BRITAIN,

IN
JANUARY 1801,

TO
OCTOBER 1810.

BY FRANCIS PLOWDEN, ESQ.

IN THREE VOLUMES.

VOL. II.

“Incorrupta fides nudaque veritas.”—HOR.

DUBLIN:
PRINTED AND SOLD BY JOHN BOYCE,
NO. 9, ARRAN-QUAY.

1811.

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CHAPTER III.

*Administration of the EARL of HARDWICKE,
under Mr. PITT.*

—000000—

THE disgraceful efforts of Mr. Addington, and his inexpert journeymen, to execute the ruinous projects of Mr. Pitt, had so disgusted the thinking and independent, and so alarmed the wavering and interested part of the nation, that that imbecile minister could no longer hold together the majority in Parliament, which was necessary to support a Government even of the King's friends. Mr. Addington had, during a considerable part of his administration been so intoxicated with parliamentary majorities, that he foolishly attributed to his own strength, what arose out of the occasional support of the old opposition, or the internal disunion, forbearance or craft of the seceders. When Mr. Pitt from personal observation, and the busy suggestions of his creatures had been induced to believe the earnestness of Mr. Addington in main-

1804.

1804.

taining his post against him, who had raised him to it, that ambitious -dictator rallied his much diminished forces, and peremptorily summoned to his rank every individual, whom he had originally enlisted in his service by art, fear or largess. Mr. Addington, the weak dupe of the all-venturous craft of Mr. Pitt, tendered his resignation to the King, which was with reluctance accepted. In the sober hour of reflection he found his triumphs visionary, his impotency real. Whatever were the principles, springs and conditions of Mr. Pitt's return to power, certain it is, that, much* negocia-

* A letter dated on the 8th of May 1801, written by Lord Grenville to Mr. Pitt found its way to the public eye, which let in much light upon those negotiations. Lord Grenville and several persons, whom by Mr. Pitt's desire he had consulted, refused to engage in the administration, which he was then employed in forming. For says his Lordship, "No consideration of personal ease, no apprehension of responsibility, nor reluctance to meet the real situation, into which the country has been brought, have any weight in this decision; nor are we fettered by any engagement on the subject either expressed or implied: we rest our determination solely on our own strong sense of the impropriety of our becoming parties to a system of Government, which is to be formed at such a moment as the present, on a principle of exclusion. It is unnecessary to dwell on the mischiefs, which have already resulted from placing the great offices of Government in weak and incapable hands. We see no hope of any effectual remedy for these mischiefs, but by uniting in the public service as large a proportion as possible of the weight talents and character to be found in public men of all descriptions, and without any exception. This opinion I have already had occasion to express to you in the same words, and we have for some time past been acting in conformity to it: nor can we, whilst we

tion preceded it: great difficulties were raised against it at St. James'. Lord Grenville, Mr. Windham and other respectable Seceders refused to come into power under them.

1804.

The new arrangements were announced in the *New Ministerial arrangements.* Gazette* on the 14th May: and an inspection of

"remain impressed with that persuasion, concur in defeating an
"object, for which the circumstances of the present times afford
"at once so strong an inducement and so favourable an occa-
"sion." His Lordship ended his letter with what amounts to
his absolute conviction of Mr. Pitt's insincerity. "We are
"certainly not ignorant of the difficulties, which might have
"obstructed the final accomplishment of such an object, how-
"ever earnestly pursued. But when in the very first instance
"all trial of it is precluded, and when this denial of it is made
"the condition of all subsequent arrangements, we cannot but
"feel, that there are no motives of whatever description, which
"could justify our taking an active part in the establishment
"of a system so *adverse to our deliberate and declared opinion.*"

* THE CABINET.

Lord Chancellor	Lord Eldon.
Chancellor of the Exchequer and first Lord of the Treasury	} Mr. Pitt.
First Lord of the Admiralty	
Master General of the Ordnance	Lord Viscount Melville.
President of the Council	Earl of Chatham.
Lord Privy Seal,	Duke of Portland.
Secretaries Foreign Department	Earl of Westmoreland.
Home Do.	Lord Harrowby.
War Do.	Lord Hawkesbury.
	Earl Camden.

MINOR ARRANGEMENTS.

LORDS OF THE ADMIRALTY.

Sir Philip Stevens, Sir H. Burrard Neale, Sir John Colpoys,
Admiral Gambier, Admiral Patten, Wm. Dickson, Jun. Esq.

1804.

the names shews, that Mr. Pitt now more than ever considered himself the soul and spirit of the administration, allowing some share of co-ordinate influence to his accommodating friend and veteran in the system, Lord Viscount Melville. The rest were tools, which he wielded at pleasure. The motley selection was attempted to be justified upon new principles. A general doctrine was inculcated into the numerous mal-contents with the choice of the new ministers, that there was inherent in Parliament a constitutional right to interfere with the King's nomination by withdrawing its confidence from any administration, which they might think from experience inadequate to the exigencies of the country; but that the will of the crown was not to be thwarted by anticipation, by presumption to dictate or object, before the new

LORDS OF THE TREASURY.

Lord Fitzharris, Lord Louvaine, the Hon. Henry Wellesley, Mr. Scott, Mr. Long.

SECRETARIES OF THE TREASURY.

Mr. Huskinson and Mr. Sturges Bourne.

BOARD OF CONTROUL.

EARL OF CASTLEREAGH, PRESIDENT.

Joint Paymasters of the army	Messrs. Rose and Steel.
Treasurer of the Navy	Mr. Canning.
Secretary at War	Mr. Wm. Dundas.
Chan. of the Duchy of Lancaster	Lord Mulgrave.
Lord Chamberlain	Earl of Dartmouth.
Master of the Mint	Mr. Rose.
Comptroller of the household	Lord George Thynne.
Attorney General	Mr. Perceval.
Solicitor General	Mr. Dallas.

1804.


appointees should have entered upon their functions. Thus did Mr. Pitt endeavour to acquire credit under his new appointment, by reconciling the public mind to the parliamentary expulsion of Mr. Addington. These principles were substantially inapplicable to the new arrangements. Mr. Addington's administration had certainly forfeited the confidence of Parliament. But neither Mr. Pitt nor Lord Melville were new men: they professed no principle, they proposed no system differing from those of their predecessors. Such of the old, as retained power in the new administration offered no change either of principle or conduct. The new subordinate appointments were bottomed either upon long tried subserviency, or strongly pledged fidelity to Mr. Pitt. But in Ireland so little claim could be set up by the new Government, not to be prejudged, till they should have entered upon the exercise of their offices, that the only change was the appointment of Mr. Foster to be Chancellor of the Exchequer: the man, who had risen into consequence from his lust for the system, under which his country had so long writhed.

The actual return of Mr. Pitt and Lord Melville to power without Lord Grenville, Mr. Windham, and some other seceders in 1801 bespeaks a difference between them in the principles and conditions either of their abdication or of their return, or of both. The particular points of difference may not be known to posterity, but certain it is, that, Mr. Pitt did not carry back with him into

Mr. Pitt's
rivalry with
Napoleon,

1804.

the cabinet even with the aid of his accommodating auxiliary Lord Melville all the influence and power, which left it on his secession in 1801. Besides the loss of the interests of the few, who may be fairly presumed to have rejected the terms of readmission, (particularly as to Ireland) Mr. Addington by his pledges and accommodation to all the mysteries of the *double cabinet* had acquired a lasting hold of the royal mind. He enthusiastically preached up the favourite court doctrine, that the anticipated will of the executive was to lead the judgment of the deliberative powers of the state. Mr. Pitt fully knew the efficacy of the joint influence of court and treasury: and he prepared to make head against the occult powers behind the curtain. Great Britain, Ireland, and the colonies were still devoted to his rule. Not so stood he in his foreign relations. From the failure of all his continental projects, he beheld his country reduced to the awful necessity of contending alone, not as formerly for commerce, territory, or power, but for existence. Under his own uncontrouled direction of the British sceptre, he felt the physical forces of the continent concentrated to a point, and directed by a youth, who had risen under his own eyes into manhood, and the proud possession (no matter how acquired) of more power, and who had managed it with more success, than is recorded of any man in the page of history. He reflected with desperate indignation, that Buonaparte had now become the puissant Emperor of the French, notwithstanding his boasted efforts to crush that

nation and erase it from the map of Europe. He no where discovered the fruits of his having over-stretched the regal, extended the aristocratic, and depressed the democratic branches of the constitution, of his having encreased the national debt by between three and four hundred millions, and of his having shed the blood of many score thousands of his fellow-subjects. His foiled ambition had settled in personal animosity, and he fancied himself the rival of that man of stupendous enterprise and portentous success. Through Mr. Addington had he basely attempted to decry and vilify the personal character of Napoleon, by the circulation of the most virulent publications, and the exhibition of the most revolting prints from notorious hirelings of the British treasury.

No sooner had Mr. Pitt resumed his functions, than he became sensible, that his majesty's health had been but partially restored. Access to, and personal communication with the royal personage were less free to him now, than during his former administration. The royal mind was more than ever disturbed with scruples about the violation of the coronation oath by catholic concession: and Mr. Addington, who had fed and fomented them, continued to receive more confidential favor from his Sovereign, than was usual or fitting to be enjoyed by an ex-minister. Mr. Pitt and the chancellor had interviews with the Prince of Wales at Carlton House. Besides the reconciliation of the Prince with his Majesty and the Duke of York, which their late correspondence had rendered dif-

Parliamentary proceedings under Mr. Pitt.

1804.

ficult, the terms and conditions of a regency were universally believed to have been the subject of them. As Mr. Pitt from his conduct in 1788, and subsequent demeanour towards his royal Highness on every occasion, was known systematically to oppose the possession of any power by his royal Highness independant of the minister, it was not to be expected, that the result of any proposal from Mr. Pitt should be grateful to the feelings of his royal Highness. Mr. Pitt endeavoured in the mean time, by manœuvring in parliament, to supply his loss of personal influence upon his Sovereign. His success in the senate fell short of his expectation; for with his utmost exertions he carried his defence bill only by a majority of 40, and his additional force bill by that of 28; in this latter a motion was made, in which he was left in a minority. Soon after Mr. Secretary Nepean obtained leave to bring in a bill for establishing and maintaining a permanent additional force in Ireland. Mr. Foster's* motion for the appointment of commissioners to enquire into the fees and expences of certain offices in Ireland, brought on a most interesting conversation upon the arrears of the Irish revenues. Some bills were moved in progress, touching the stamp duties and other branches of the Irish revenue: and Mr. Foster introduced bills for explaining and amending the laws relative to the

* So zealous was this gentleman for forwarding the system in Ireland, that he acted as chancellor of the exchequer a considerable time before he was appointed to the office.

linen manufactures of Ireland, and for continuing and amending the Irish corn acts.

1804.

In opening the Irish budget, Mr. Foster did not let slip the opportunity of laying to the account of the Union the distresses of his country. He lamented to find the predictions, which he had ventured to urge on the probable state of Ireland, during the discussions upon the Union, but too forcibly verified by the then deplorable state of her finances, as compared with her public debt and expenditure. Within the last 10 years, the public debt of Ireland had made an alarming progress. It stood in 1793 at 2,400,000*l.* in 1800 at 25,400,000*l.* On the 5th January 1804 at 43,000,000*l.* and in that year there had then been added to it no less a sum than 9,500,000*l.* This formed a quota far exceeding the *ratio* established by the Union compact to be paid by Ireland. This ruinous race, in which Ireland was so far exceeding her means by her expenditure, would shortly equalize her debt in proportion to that of England, and entitle England to call for a parliamentary decision and consolidation of accounts and equalization of taxes. He then stated to the house the corresponding produce of the Irish revenue. In the year 1800, which immediately preceded the Union, the net produce of the revenue was 2,800,000*l.* when she owed 25,000,000*l.* in the last year it was only 2,789,000*l.* whilst the debt amounted to 53,000,000*l.* There was every reason to believe, that for the running year the produce of the Irish revenue would not yield one

Lamentable
state of Ire-
land.

1804.

shilling towards Ireland's quota in the common expenditure of the empire. Such was the situation of Ireland in the summer of 1804, as depicted by Mr. Foster, with an enormous and growing encrease of debt, a rapid falling off of revenue, and a decay of commerce and manufacture. He then proposed raising additional taxes, which chiefly fell on home made spirits, wine, and tea, to meet the public expenditure of the year*.

* Mr. Foster, who now had again worked his way into the favor of Mr. Pitt, with whom he had quarrelled on the exorbitancy of his demands for supporting the Union, took this opportunity of endeavouring to white-wash his defection from his old employers by this last burst of forced patriotism. He laid before parliament a fair and true state of the corruption and wants of the Irish government in the management of the revenue. He minutely set forth the balances permitted to remain in the hands of the collectors. The last accounts of the enormous revenue of England shewed only a balance of 37,000*l.* in the hands of the English collectors, and the corresponding accounts of the Irish revenue, shewed a balance of 600,600*l.* in the hands of the collectors then in office: and in order to prove the rapid growth and encrease of this abuse, he further stated, that the arrear in 1803 had amounted to 460,000*l.* and last year to 505,100*l.* Besides this heavy arrear in the hands of the collectors then in office, there also was in the hands of collectors dismissed an arrear of 120,000*l.* He specified as to stamps; the whole of which was collected and paid into the Stamp Office at Dublin, and there then was upon a receipt of 182,000*l.* a deficit of 8,600*l.*: and in the Post Office, there was then an arrear of 22,000*l.* out of a revenue, of 250,000*l.* As a financier of more promise than performance, he assured the house, that two great arrangements were necessary to be adopted in Ireland to keep her from sinking: viz. an effectual reform in the collection of her revenue, and a retrenchment in the expences of her government. For these salutary ends, he engaged at a future day to

Before the Parliament rose, Mr. Hutchinson drew the attention of the house to the daring manner, in which the articles of the Union were broken through by the Irish distillery bills. On the motion of Mr. Foster, 800,000*l.* Irish currency were granted to his majesty for such expences, as exigencies might require for Ireland: and 1,700,000*l.* were raised by treasury bills in Ireland, to be charged on the first aids of 1805. Bills were also passed for accommodating the public with a circulation of small notes, and other matters of regulation in the Irish revenue. The Marquis of Abercorn, about three weeks before the close of Parliament, presented articles of complaint against Luke Fox, a judge of the court of common pleas in Ireland, grounded on several petitions presented to the house of lords against that Judge. The articles, he said, contained every topic of complaint, that he had before noticed in that house, except what related to certain high military officers, which he had not yet been able to reduce into proper form. For the rest of the charges, he was ready then to go upon them. He moved, however, that a copy of the articles of complaint should be, and they were accordingly sent to Mr. Justice Fox. The substance of them

1804.

Mr. Justice
Fox charged
by Lord
Abercorn,

move for a committee to be established in England, empowered to examine upon oath touching every item of the public accounts of Ireland, that should be brought forward, when any doubt should arise upon them. The abuses and misfortunes of Ireland have never arisen from want of powers in the government to prevent or correct them.

1804.

was 1^o : That Mr. Justice Fox had urged upon the grand jury of the county of Fermanagh, that it was their duty to address his Majesty to remove the Lord Lieut. from the government of Ireland, with the intent to excite discontent against his Majesty's government. 2^o, That he had endeavoured to induce the commanding officer of a corps of yeomanry to procure an address from that corps to the same effect ; and that this was done with the same evil design. 3^o, The third part stated all the complaints, which had appeared in the petitions of the high Sheriff of the county and of the petty jurors ; the high Sheriff complaining of having been fined 500*l.* by Judge Fox in an arbitrary manner, and the petty jurors having been stigmatized by him in his judicial capacity, as being unworthy to serve as jurors in future. Under this head also was included the complaint of a Mr. Hart *, who complained, that having been one of the grand jury of the county of Donegal, that had found a bill of indictment against one Dodson, for having improperly procured the oath of a magistrate concerning the repair of a road, in which Mr. Hart was in no way interested, Judge Fox upon the trial had taken an opportunity of charging the petitioner with having very improperly interfered in the business, and had used these expressions concerning him to the petty jury : *degraded and disgraced as he is by*

* His petition had been presented about a month before to the house of commons by Sir John Stewart.

1804.

this transaction, which will entail eternal infamy on him and his family. That the jury having been discharged, the petitioner waited on the Judge, and asked permission to return to Londonderry, in order to attend a corps of yeomanry, which was refused; and on the next day in court, Judge Fox caused an information to be laid against him for a most heinous offence, ordered him into custody, and to be put into the common dock, where having been asked what he had to say for himself, the petitioner was so terrified, that he was unable to articulate: he was then told he should be tried at the next assizes, and was holden to enormous bail for his appearance. When the next assizes came on, no bill was found against him, and he applied to the house to redress the injury he had suffered. The charges lastly stated, that Judge Fox had grossly and wantonly insulted the Marquis of Abercorn, representing him as withdrawing himself from his duty as a Governor of a county from sulky and selfish motives, and concluded with charging the learned Judge with having publicly acknowledged, that he had done so to vex and annoy the Marquis*. All proceedings were however put off to the next sessions.

* Within three days after Sir John Stewart had presented Mr. Hart's petition against Judge Fox, Colonel Cole presented a petition to the house of commons from William Armstrong and others (all Orangemen) of the county of Fermanagh describing themselves as a petty jury, holden the preceding Summer at Enniskillen, complaining, that one Nicholas Morryson was brought before them for trial, upon a charge of murder, of which they

1804.

More of
Judge Fox's
case.

As these weighty and almost incredible charges, which go vitally to affect the source of public justice, were never followed up to a close, although by coming before parliament they acquired a publicity, and certainty of being transmitted to posterity to the discredit of the learned and respectable character attempted to be affected by them, historical justice requires, that an impartial statement of the circumstances, which gave rise to the accusations, should be handed down to posterity with the substance of the charges. The more so, as it is notorious, that the government was put to the expence of many, (some say 30,000*l.*) in preparations to bring these charges to a conclusion; and Mr. Justice Fox for the happiness of his country, still retains his seat on the bench, where for many years in the administra-

felt it their duty to acquit him contrary to the recommendation of Judge Fox, who charged them very specially to find him guilty. Upon presenting their verdict, the Judge manifested considerable discontent, and on the following morning he called the grand jury before him, and in their presence and that of a crowded court, reprobated the conduct of the petitioners, stigmatized their characters, and held them forth to the country as persons not to be credited on their oaths. He also directed the Sheriff not to impanel them on any jury in future, and also to deliver their names to his successor in office, in order that they might never again appear upon any jury. They professed their readiness to produce evidence at the bar to substantiate their allegations, their wish to lay before the house a note of the evidence upon the trial, to which the petition referred, and their hope, that justice would be done them in such way, as to the wisdom of the house should seem meet. The petition was ordered to lie on the table.

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tion of justice he has exhibited the rare and estimable example of coupling profound learning with inflexible impartiality and firmness. For a length of time, and more particularly from the commencement of the Armagh persecutions in 1795, and the establishment and extension of the Orange societies through the northern counties, the source of public justice had become so habitually corrupt, that wherever the rights and interests of Catholics and Orangemen came into contest, the result was invariably favourable to the latter. Hence the prevailing belief, that the secret oath of an Orangeman obliged him never to swear against the life, credit, or property of a brother Orangeman. The opinion was in strict conformity with the unvarying run of Orange verdicts. The notoriety, with which most of the great landholders of the North cherished and encouraged Orangeism has been already noticed: and none shone more conspicuously zealous for perpetuating that system than the Marquis of Abercorn. It sufficed, that it partook of any degree of preference, exclusion, intolerance, oppression, or ascendancy, to ensure the implacable hostility of Mr. Justice Fox. On the other hand, the Marquis of Abercorn found the views, spirit, and principles of the Orange societies peculiarly sympathetic with his own: and he also knew how congenial they were with the feelings and prospects of his friend Mr. Pitt. The hauteur and ambition, which actuated Mr. Pitt's public conduct, too powerfully pervaded the private cha-

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racter of the Marquis for Mr. Pitt to admit him to the situation of viceroy, to which he appeared anxiously to aspire. The judge's virtue was too firm to heed the frown, or crouch to the will of power, title, or opulence.

Lord Abercorn's influence in Tyrone.

The marquis of Abercorn was governor of the county of Tyrone, and the avowed friend and protector of the Orangemen: it was impossible, that the conduct of an upright and inflexible Judge, bent on recalling long strayed justice to these northern courts, should not clash with the feelings, and wound the pride of that governor. The sacred character of a Judge of a court of record screened him from actions for any thing said on the bench in the exercise of his elevated function. In social intercourse, he was as open as any other person to be questioned in an action for libellous or defamatory words. As the observations, of which Lord Abercorn complained, were not laid by his Lordship, as made by the Judge from the bench, they could not be presumed to have passed in court. That circumstance would have aggravated the * delinquency of the Judge, and

* When this matter was on in the Lords on the 27th of June, Lord Carleton said, "The mere imputation of misconduct was a very great infliction to any man of feeling, but when it was thrown out against a person filling the dignified situation, that the learned Judge did, the punishment in that instance was aggravated in a tenfold degree. His Lordship trusted, that the learned Judge would not be compelled to linger under this torture of his reputation, but that the noble Marquis would in the course of that session bring forward the subject in such a way as to afford him an opportunity of repelling the charges."

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have more strongly warranted the Marquis's application to parliament. His Lordship was open, if he thought fit, to obtain redress from the law courts for any injury he might have suffered from the gross and wanton insult, which he complained had been offered to him by Judge Fox. His Lordship's object and plan appear to have been to crush the Judge with the resistless arm of power. He trusted, that his influence with the premier would give them sure effect. Mr. Pitt was too crafty to take the prosecution into the hands of Government, but threw it upon the shoulders of the Marquis, lest the failure might be laid to the account of Ministers*. Of this the Marquis complained in the house of Lords with some degree of petulance: lamenting his own inexperience in drawing up criminal charges, he applied to lord Carleton to aid him in the odious task of crimination. He made no secret of his having assumed the degrading function of providing, collecting, and preferring criminal charges against the learned and honorable Judge. For, said his lordship, "in addition to the petition of Mr. Hart, several other charges of a similar nature had been transmitted to him, couched however in such

* Mr. Pitt did not survive the many delays and difficulties, which he either created or allowed to prevent this perplexing matter to government being brought to a conclusion. His successors, as will be seen hereafter, thought differently upon the whole matter, and the Marquis of Abercorn commanded not that confidential influence upon their conduct, which had been visibly exercised upon that of Mr. Pitt.

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“unparliamentary style, as would, he believed, render it necessary to send them back to Ireland to be put into some degree of shape.” For that amongst other reasons he despaired of bringing the matter before the house during that Session. When on a future day he preferred his charges against the learned Judge, he closed the recapitulation of all the charges of his other informants, with an angry statement of his own *gravamen*; which was, that Judge Fox had grossly and wantonly insulted him and had publicly acknowledged, that he had so done to vex and annoy him. The several persons, whom Lord Abercorn had procured to prefer petitions against Judge Fox were all Orangemen: and the unfortunate man, whom Nicholas Morrison, who was also an *orangeman*, had most outrageously murdered, was a catholic.*

Mr. Pitt's
loss of influence & pro-
rogation of
Parliament.

Mr. Pitt was little satisfied with the support he had received in Parliament since his return to office. Altho' Mr. Addington had affected not to controul the late elections by any treasury influence, he now found himself constrained to exert his personal influence upon all the members, who owed their seats to his patronage or favor, to join him in opposing Mr. Pitt. Though he could brook the injury of being displaced, in order to readmit Mr. Pitt to power, he could neither forgive nor forget

* The author has been assured by a person of high honour and unimpeachable veracity present when Morrison was tried, that a more flagrant case of murder was never proved before a jury: and that the verdict of acquittal raised the indignation of every unbiassed man in court, as well as of the Judge.

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the insult of being expelled for incapacity and weakness. Mr. Pitt expected to regain more of his lost power by negotiation during the recess, than by his oratory in the senate, but was reluctantly constrained to prolong the session to the 31st of July. Under the combination of great external and internal difficulties, it became an object of peculiar anxiety with the minister, to give to the nation some open and unequivocal proof of the complete recovery of his Majesty's health. When the King went to prorogue the Parliament, the House of Peers was attended by an unusual crowd, and particularly by the few foreign ministers then resident in London. In no part of the speech was there even an indirect reference to Ireland. It was observed, that his Majesty read with his usual correctness and firmness of voice: but in turning over the leaves of the manuscript, the latter and greater part of the speech was omitted to be read: of which no notice was however taken in the house of Peers. But the whole speech, as it was intended to have been delivered, was read by the speaker at the table of the house of commons, on their return to their own chamber.

Three weeks elapsed after the prorogation of Parliament before it was found advisable, that his Majesty should take the benefit of the sea air at Weymouth. This time was particularly devoted to private negotiations for the adjustment of differences still subsisting between the heads of the Royal family and the Prince of Wales, and the most practical means of inducing his Majesty to consult his health by withdrawing himself from the

King goes to
Weymouth.

1804.

cares and burthen of government. The day of the King's intended departure for Weymouth had been fixed for an interview between his Majesty and the heir apparent; it did not however take place. On that day the Lord Chancellor was for some hours at Carlton house; and it is not lightly believed, that his Lordship was on the occasion so fearfully alarmed at the critical state of affairs, that he most urgently pressed and supplicated his Royal Highness to step forward, and save the Empire from destruction by accepting the sole and unlimited Regency. His Majesty relapsing occasionally into his disorder, experienced some benefit from his excursion to the sea coast.

Internal
state of the
country.

The apprehensions of invasion were industriously kept up during the whole summer. The government prints sedulously warned the public against the machinations of the French party,* which then prevailed throughout the country. Upon this false assumption they inveighed against French tyranny and injustice, and with mischievous improvidence decryd the loyalty of the native Irish. Thus they justified the expence of their public measures of defence, and affected to sanction the

* Reports were industriously circulated by Government, that the Irish agents and parties in the late rebellion were in high confidence and favour with Napoleon. He was said to have appointed the General of division Clarke and Arthur O'Connor, Commanders of the legion of honour; and the General of Brigade O'Neil was made a member of the same legion. They further gave out as from authority, that a French fleet full of troops destined for the invasion of Ireland had escaped out of Brest.

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necessity of internal coercion. The encampment of 15,000 men near the Curragh of Kildare, consisted of regular militia, artillery, British horse artillery, and a vast number of the commissariat and driver's corps. Every thing bore the appearance of active service. The Martello Towers and other defensive works were forwarded with unusual energy. Many persons were taken into custody under the suspension of the *habeas corpus*, and the rigorous treatment of the State prisoners, who had been for several months in confinement, was sharpened* without any visible or known cause.

*Mr. James Tandy, and thirteen other of the principal State prisoners of the first class, as they were stiled at the Castle, petitioned the Lord Lieut. on the 11th of July 1804: and after having specified many of the acts of barbarous cruelty inflicted upon them, as sworn to in the King's Bench, they concluded in these words; *In short we experience a treatment rather calculated for untamed beasts, than men.* They assured his Excellency, that to the pressing and repeated remonstrances, which they had presented to Dr. Trevor, (the inspector of the prisons) against the harshness of their treatment, they had received a formal answer. *That it had not only the sanction, but its origin in the express directions of Lord Hardwick's Government.* The first petition having not been attended to, was followed up by a second on the 12th of August, which again complained, that Dr. Trevor executed his office in a manner at once mean and malicious: and pleaded *orders from government* for their rigorous treatment. They complained, that they were so reduced by their sufferings (not merited by them, nor necessary for safe custody,) that their lives were become of no value and literally a burthen to them, and that there was not one of the petitioners, *who from many concurring circumstances could not on oath declare a firm belief of an intention to deprive them of life by underhand means.* Several other state prisoners, who did not join in those two petitions already men-

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Mr. Foster,
sworn in
Chan. of the
Exchequer.

It was not till the closet of August, that Mr. Foster was sworn into his new appointment of Chancellor of the Exchequer. Some attention was shewn to the police of Dublin and the inconvenience of the public from want of circulating medium in their money transactions. A deputation from the Common Council of Dublin with the Sheriffs waited upon the Secretary Sir Evan Nepean, to lay before him the resolutions of their last Michaelmas Assembly, which complained of the ruinous and

tioned, presented separate petitions to the Lord Lieutenant, and sent letters and remonstrances to the Secretary and other confidential servants of government strongly urging to be examined, tried, and redressed for their unmerited and intolerable sufferings. Most of these applications were for a long time ineffectual. All the petitioners and remonstrants trace the orders for their rigorous treatment to M A. Marsden. Mr. Tandy further joined in another remonstrance on the 13th, and a memorial on the 27th of August, 1804. He had also entered into a personal correspondence with Mr. Marsden, in which he had threatened to inflict personal castigation upon that Gentleman, in case he should ever be set at liberty. He however, (not the rest of his fellow prisoners) was liberated from confinement on the 18th of September 1804, on entering bail before Mr. Alderman Stamer, himself in 1000l. and his two sureties in 500l. each. Mr. Tandy, in Sept. 1809, published this solemn assertion. *I obtained my enlargement on condition, that I would relinquish my proclaimed intention of flogging Mr. Marsden.*

† On the 24th of August 1804, the Right Honorable John Foster, Sir Evan Nepean, Bart, (Secretary) Lord Frankford, Lord Viscount Loftus and the Right Honorable Maurice Fitzgerald were appointed and sworn in Commissioners for executing the office of Treasurer to his Majesty's Exchequer in Ireland; as was Mr. Foster for that of Chancellor of the Exchequer. For the accommodation of this Gentleman a new and superb suit of apartments in the Castle at Dublin was fitted up.

filthy state of the streets of Dublin, the frauds, by which the price of corn and other provisions was extravagantly enhanced: the distress, to which every kind of trade was subjected from the want of silver coinage, for change; and the great inconvenience suffered in the principal streets of Dublin, from want of an avenue from Castle-street to Ship-street, since the closing of the postern Castle Gate. To each subject of complaint, they were assured government was actually applying appropriate remedies: and particularly, that the dies for the new coinage were nearly completed. Notwithstanding the face of the country were perfectly quiet, unsurmountable difficulties occurred in carrying into effect the additional force bill in Ireland.

Without following Mr. Pitt through the fatal maze of his continental politics, suffice it to remark, that their principles were fiercely opposed and reprobated by the old opposition in Parliament, as their results still pregnant with unmeasurable mischief, are to be perhaps irreparably lamented by the Empire. The extent and consequences of the mischief of our prostituting national faith, honor and justice by the sinking and capture of the Spanish frigates, as they were entering Cadiz from an eastern voyage, before any declaration of war with that Power, are still unknown and perhaps unmeasured. The fatality of all Mr. Pitt's plans and measures manifested itself as regularly, as their results approached. He had successively insulted, injured or ruined all

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Internal effects of Mr. Pitt's continental and home politics.

1804.

his continental allies by his system of foreign policy; and by that of his home system he had upbraided, disappointed and revetted Ireland in irretrievable degradation through the union. The Irish Catholics, whom he had most insidiously fed with prospects of emancipation, anticipated in his return to place, the efficient power of carrying that object, for which he professed to have abandoned his official situation. They now practically resorted to **the benefit of having so many characters of eminence pledged not to embark in the service of Government, except on the terms of Catholic privileges being obtained.* Frequent Catholic meetings were holden in Dublin, in which the general sense of the body for petitioning Parliament for their total emancipation, was unanimously resolved. Mr. Pitt dreaded nothing so much, as to have the sincerity of his pledges brought under discussion. As Lord Fingall from his rank in life and more from the amiable qualities of his mind, was known to possess the confidence of many of his Catholic countrymen, Sir Evan Nepean was directed through his Lordship to attempt every means to hold back the petition. He was invited to dinner, frequently closeted at the Castle, and more sedulously courted, than on any former occasion. However his Lordship may have been personally disposed to hold back, few or none of the body could be induced to postpone their petition.

* Vide Mr. Pitt's and Lord Cornwallis' Pledges to Dr. Troy and Lord Fingall, Vol. I.

Some time after his majesty's return from Weymouth, the conciliatory meeting with the Prince of Wales, which had been intended before the Royal departure from London, took place. The Earl of Moira and Mr. Fox eminently interested and exerted themselves in bringing it to the desired conclusion. Several circumstances bespoke in his Majesty's servants at that time a systematic disposition not to admit his Royal Highness to that unreserved confidence and communication between the Sovereign and the Heir apparent, which the unchecked workings of parental tenderness and filial duty and affection would have naturally produced, and which it was the study of every loyal subject and friend to the family to promote. One of the most unequivocal symptoms of that unamiable and mischievous propensity in the Ministers, was an attempt to set up the harsh claim of a legal right in the crown to deprive his Royal Highness of the care and education of his only child the Princess Charlotte of Wales. Although the attempt ultimately failed, yet the advice to set up the claim was attended with much unpleasant discussion and negociation, and could only have been bottomed in revolting suspicion, mistrust and disregard for her Royal parent.

Mr. Pitt was not insensible of the rising expectations of the Irish Catholics, that their emancipation was to be the sure effect of his return to power. In proportion to the failure of the Minister's continental plans, did the Catholic body of Ireland feel their own weight in the Imperial scale.

1804.
Ministers encourage the coolness between the King and Prince.

Means of damping the Catholic expectations.

1801.

nor could they divine, that men should again find their way to the cabinet, and be entrusted with the reins of Government, without efficient power to carry a measure, which they had publicly proclaimed to be of indispensable necessity, and vital importance to the safety of Ireland, and consequently of the British empire. The aggrandizement of Napoleon had been the unvarying result of Mr. Pitt's most prominent exertions to crush him. He was quietly and solemnly crowned Emperor of the French at Paris by Pope Pius the VIIth: a circumstance, which Mr. Pitt with his usual craft attempted to convert into an engine of obloquy to the Catholic body, and an opportune and plausible objection to their petition, which in spite of his secret manœuvres, through Sir Evan Nepean, he now foresaw would be brought forward. The Government papers industriously published, and severely commented upon a memorial said to have been written by Dr. M'Nevin at Paris addressed to the Irish officers of the several continental Powers, particularly to those in the Austrian service, encouraging them to join in the then intended attempts to liberate Ireland from the bondage and thralldom of England: and promising to give them timely notice of the sailing of the expeditions: holding out ample rewards to those, who should attend to the call, and threats to the families of those, who should neglect it. They asserted, that several of these members, with lists of the officers, to whom they were addressed, were in the hands of Government. With the like view of indisposing the public to the Irish question,

which then was in the mouth of every politician, they likewise published the papal allocution, addressed by his Holiness to a secret consistory at Rome, on the 29th of October 1804, immediately before his departure for Paris to perform the ceremony of the Imperial coronation. It referred to the gratitude due to Napoleon for having re-established the Catholic religion in France by the *concordat*; since which he had put forth all his authority to cause it to be freely professed and publicly exercised throughout that renowned nation, and had again recently shewn his mind most anxious for the prosperity of that religion. It also contained confident assurances that a personal interview with the Emperor would be for the good of the Catholic Church, which *is the only ark of salvation*. Upon the publication of this Papal allocution, and the ceremony of the coronation at Paris, all the writers of periodical and other publications in the pay or service of government* vied with each other in

* Amongst these stood conspicuous an anonymous zealot of no mean calibre, as a scholar and writer. He obviously suppressed his name from the public, because he hazarded assertions, *which he knew to be false and groundless*. He brought before the public, for the purposes of the party and his particular patron, the old ribaldry of Dr. Duigenan, and the bigotted tales of Sir Richard Musgrave, compressed into a more portable size, and adapted to more refined palates by a spirited and nervous diction, and bottomed, as the title purported, on an event, which it was then the fashionable policy of the court to execrate and decry.

The pamphlet was intituled, "A letter to Dr. Troy, titular Archbishop of Dublin, on the coronation of Bonaparte by Pope Pius the Seventh. *A deed without a name: Shakespeare*

1804.

their zealous efforts to represent the imminent danger to the state, which this close connection be-

“by *Melancthon*.” At the close of his letter, he says he so subscribes himself, “to assume the name of the mildest of the reformers, who laboured most strenuously to soothe the animosities between the Protestants and Catholics, and compose their differences.” More appropriately would the writer of that letter have assumed the name, by which he subscribed it from the literal meaning of the Greek words, of which it is composed, (*melas* black and *χθον* dirt) from the sable tint of falsehood and misrepresentation, which pervades the whole. When Melancthon quoted (p. 57.) Dr. Troy’s pastoral letter, that the church is infallible in her doctrinal decisions and canons on points of faith and morals, and therefore that the Catholics are obliged to adhere implicitly to such decrees and canons of the church assembled in general council and confirmed by the Pope as rules of faith, he full well knew both from his early education and maturer experience, that such ever had been the Roman Catholic doctrine: he equally knew the tenor of the oath, which the clergy and laity of the Catholic body of his countrymen had generally taken: he must therefore have made assertions, which he knew to be false and groundless, when he said, “These general councils inculcate as a religious duty the deposition and murder of heretical sovereigns, the nullity of oaths of allegiance to such, and the extirpation of heretics.” And when he denounced to Dr. Troy, whom he addressed as “the depository of the Papal power, the accredited agent exercising the Papal authority in the face of the laws of the United kingdom,” that “never, never shall that unhappy country know peace, while you and your brethren preach to the great body of Catholics the doctrine of the Pope’s unlimited supremacy and of implicit obedience to the see of Rome, as you now preach it.” Well indeed is he entitled to the meed of conciliation “as the mildest of reformers, who laboured most strenuously to soothe the animosities between the protestants and catholics,” (p. 86.) who on the eve of a legislative decision upon the vital question of emancipating the catholic population of Ireland, did not hesitate to declare, (p. 44.) That “it is to the deadly mixture of popery drugged and empoisoned with such satanic perseverance, and so incessantly infused into the consciences and the hearts, and the very life

tween the Pope and Napoleon must infallibly create in Ireland. As if the faith and loyalty, which the Irish had for conscience sake preserved uncontaminated for centuries, were to be altered or abandoned by the conduct of any people on the continent, and more especially of an implacable and formidable enemy.

The leading part of the Irish catholics, most of whom had supported the Union in plenary confidence of the professions made by Mr. Pitt and Lord Cornwallis that emancipation would immediately follow it, held frequent meetings in Dublin, in order to concert the most efficient means of rendering available Mr. Pitt's disposition to favor their cause, which they fondly assumed had returned with him into power. The general precipitancy of the body to bring the ministerial sin-

“ blood of the people of this land, as it has been and still continues to be, that we are to ascribe the extinction of every charitable feeling one towards another, all the miseries, that we have so long suffered as a nation, and that we are yet likely to suffer.”

A modern reader will not perhaps follow Melancthon through the dark pages of the history of Charlemagne, King Pepin, Charles Martel, and Pope Hildebrand, but will wonder at his assurance in undertaking to prove Lord Redesdale a sound divine, a prudent politician, and a consummate statesman. Before Melancthon, a Bishop of Meath, (Anthony Dopping, in 1695), “ preaching before the government at Christ Church, argued, that the peace, (i. e. the articles of Limerick) ought not to be observed with a people so perfidious, that they kept neither articles nor oaths any longer, than was for their interest. And the Bishop of Meath's behaviour was so much resented by the King, that he was put out of the council.”

William had then taken the coronation oath within five years, and wished to be tolerant to his Irish catholic subjects. (*Vide Harris' Ware, p. 214*)

1805.

Proceedings
of the Ca-
tholics.

1805.

cerity to the test, was with difficulty repressed by those, who were considered to be most directly under the influence of the Castle. An adjournment was with difficulty carried from the 31st of December to the 16th of February. The proceedings of the Catholics were made with publicity, and were particularly watched by all, who opposed their claims from principle or interest.

Lord Sidmouth's influence upon the King.

It has been before observed, that Lord Sidmouth was forced from the councils of his Majesty by the indignant sense, which the nation had expressed of his incompetency to fill the station of a prime Minister. The credited report, that Mr. Pitt would either soften the rigidity of the royal mind, or in defence of his own sincerity expose too broadly the secret springs of action concerning the Irish question, drove Lord Sidmouth into more frequent and more confidential communications with the Sovereign, than was usual or fitting, that any other than his majesty's responsible advisers should enjoy. He was admitted to dine privately with the King, and soon after made President of the council. As the secret influence of Lord Sidmouth gained upon the Royal mind, the confidential intercourse of the official advisers of the crown was observed to abate. The time between the Catholics adjournment from the 31st of December to the 16th of February was to them a period of inaction; but to their opponents it was a season of activity, preparation and expedients. Within that short space of less than two months, every matter was brought before the Imperial Parliament

or British public, that could tend to create suspicion, disgust and dread of the Irish. Mr. Pitt equally averse from being pressed to render a public account of his conduct in seceding upon the Irish question, and of his pledges as to the same subject on his return to power, importuned the King to allow him once more to retire from office; and about the 10th of February, he gave in a written resignation, which his Majesty was advised not to accept. From that hour, until the final defeat of the Irish catholic petition, Mr. Pitt and Lord Sidmouth agreed like Pilate and Herod: and during that period the coalition between lord Grenville and Mr. Fox was established.

His Majesty's speech to the Parliament on its opening on the 15th of January studiously avoided even oblique reference to Ireland. It alluded to the prompt and decisive measures* that he had been compelled to take, in order to guard against the effects of hostility from Spain; and that in consequence of a refusal of a satisfactory explanation, the British minister had quitted Madrid, and war had been declared against Great Britain by Spain. It observed, that the conduct of the French Government had been marked by the utmost violence and outrage, notwithstanding which his Majesty had recently received a communication from it, containing professions of a pacific disposition†; to which, notwithstanding his earnest de-

1805.

Opening of
parliament.
King's
speech.

* The taking and sinking of the Spanish frigates.

† In order to give the reader some unequivocal proofs of Mr. Pitt's powers as a statesman, in the most mature year of his ex-

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sires for the blessings of peace, he had not thought it right to enter into any more particular explana-

perience, we submit this trait of his political conduct, which subsequent events have more explicitly disclosed in our relations to France, Spain, and Russia. The following is a translated copy of the communication of the pacific tendency alluded to in his Majesty's speech, with the official answer :—

“ Sir and Brother,

“ Called to the throne of France by Providence, and by the suffrages of the people, and by the army, my first sentiment is a wish for peace. France and England abuse their prosperity; they may contend for ages; but do their governments well fulfil the most sacred of their duties? and will not so much blood shed uselessly, and without a view to any end, accuse them in their own consciences? I consider it as no disgrace to make the first step. I have, I hope, sufficiently proved to the world, that I fear none of the chances of war; it besides presents nothing, that I need to fear. Peace is the wish of my heart, but war has never been contrary to my glory. I conjure your Majesty not to deny yourself the happiness of giving peace to the world, nor to leave that sweet satisfaction to your children; for, in fine, there never was a more favourable opportunity, nor a moment more favourable to silence all the passions, and to listen only to the sentiments of humanity and reason. This moment once lost, what period can be assigned to a war, which all my efforts will not be able to terminate? Your Majesty has gained more within ten years, both in territory and riches, than the whole extent of Europe; your nation is at the highest point of prosperity; what can it hope from war? To form a coalition of some powers of the continent? The continent will remain tranquil; a coalition can only increase the preponderance and continental greatness of France. The time is past for renewing internal troubles. To destroy our finances? Finances founded on flourishing culture can never be destroyed. To take from France her colonies? The colonies are to France only a secondary object; and does not your Majesty already possess more, than you know how to preserve? If your Majesty would but reflect, you must perceive

1803.

tion without previous communication with those powers on the continent, with which he was engaged in confidential intercourse and connection, with a view to that important object, and especially with the Emperor of Russia, who had given the

that the war is without an object; without any presumable result to yourself. Alas! what a melancholy prospect, to cause two nations to fight for the sake of fighting! The world is sufficiently large for our two nations to live in, and reason sufficiently powerful, to discover the means of reconciling every thing, when the wish for reconciliation exists on both sides. I have, however, fulfilled a sacred duty, and one, which is precious to my heart. I trust your Majesty will believe in the sincerity of my sentiments, and my wish to give you every proof of it.

“ NAPOLEON.”

“ His Majesty has received the letter, which has been addressed to him by the head of the French Government, dated the 2d of the present month. There is no object, which his Majesty has more at heart, than to avail himself of the first opportunity to procure again for his subjects the advantages of a peace founded on a basis, which may not be incompatible with the permanent security and essential interests of his states. His Majesty is persuaded, that this end can only be attained by arrangements, which may at the same time provide for the future safety and tranquillity of Europe, and prevent the recurrence of the dangers and calamities, in which it is involved. Conformably to this sentiment his Majesty feels, that it is impossible for him to answer more particularly to the overture, that has been made him, till he has had time to communicate with the powers of the continent, with whom he is engaged in confidential connexions and relations, and particularly with the Emperor of Russia, who has given the strongest proofs of the wisdom and elevation of the sentiments, with which he is animated, and the lively interest, which he takes in the safety and independence of Europe.

(Signed)

“ MULGRAVE.”

1805.

strongest proofs of the wise and dignified sentiments, by which he was animated.

Proc dings
in Parlia-
ment on
Irish affairs.

When the Parliament had been convened a week, Lord Suffolk called the attention of the Peers to a motion, which he had intended in the last session to submit to them respecting the situation of Ireland. He gave them that early notice, that he had not relinquished his intention : many circumstances had since happened, which encouraged him to persevere in his design. As however it would soon be known, whether the Irish Catholics would or would not petition Parliament, he should await the result of their determination, and of their petition, should they present it. He knew not how to anticipate its rejection, because he could not bring his mind to imagine, that it would be opposed by a minister, who had given a solemn pledge to use his best and incessant endeavours in support of the measure, which he was anxious should be submitted to their Lordships ; more especially, when he recollected, as their Lordships would also recollect, that without the influence of that pledge and promise, that minister could never have succeeded in bringing about the Union. In the commons Mr. Foster presented petitions from the Protestant schools, and other similar institutions, for which several sums were voted as usual : he also gave in the estimates, which were afterwards granted under the Dublin paving bill. Several interesting debates passed in the commons upon Sir Evan Nepean's motion for suspending the *habeas corpus* act in Ireland, which he proposed to extend to six weeks after the commencement of the next session of

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Parliament *. He and Mr. Pitt urged as the grounds for that harsh measure, that there were then at Paris committees of United Irishmen, who communicated with traitors in Ireland upon the most efficient means of effecting the invasion of that country: and when the house considered the humane and just character of Lord Hardwicke, they would with plenitude of confidence deposit that extraordinary power in his hands. Mr. Fox on the other hand warmly replied, that the character of the Lord Lieutenant was immaterial. The constitution taught him to be jealous of granting extraordinary powers to any man; and if there were a possibility of their being abused, the mild character of the man, in whom they were to be vested was the worst of arguments. If the powers were not necessary, they ought not to be granted: and if necessary, and the Lord Lieutenant were not fit to be entrusted with them, he ought to be removed. He never had heard even from Mr. Pitt in the whole progress of his hostility to freedom and the constitution of England more dangerous doctrines, than those, upon which he rested the necessity of that measure of extreme severity. He had alleged no other reason, than rumour and re-

* Sir John Newport warmly contended, that there was no necessity for that harsh measure, and proposed the following amendment, viz. "That a committee of 21 members of this house to be chosen by ballot, be appointed to take into consideration such documents, as shall be laid before them, and report their opinion to this house, whether the measure now proposed be rendered necessary by the circumstances of the country."

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port of what was passing at Paris, for taking away the constitution of a country, which in the same breath he admitted to be generally tranquil and loyal. It had been admitted on all hands, that Ireland was at that time as peaceable as any county in England. Why not then as well suspend the constitution in England? If it were to be thus regularly suspended year after year in Ireland at the will of the minister, there was an end of the freedom of the country. He emphatically warned the house not tamely to surrender the liberty of the people into the hands of government without cause, without enquiry, and without hesitation. Fifty-four only out of 213 members opposed the measure*.

* In this debate, Mr. Fox alluded to the severe treatment of Mr. Todd Jones, who had been 16 months confined under the suspension of the *habeas corpus* act at Cork. Sir Evan Nepean officially assured Mr. Fox, that he had been misinformed. It was much the fashion for gentlemen connected with ministers to speak of Mr. Todd Jones as of a public delinquent, because he had fallen under the suspicion of government. He afterwards obtained a verdict for 2,500*l.* damages, in an action against Bernard Shaw, Esq. for having libelled him. He certainly ever was an active and staunch friend to catholic emancipation and parliamentary reform: sufficient reasons for becoming an object of suspicion and persecution. The three Irish members, who spoke most strenuously for the suspension, were Mr. Bagwell, who described the violent and outrageous proceedings of some turbulent men in Tipperary, who had persecuted, and even murdered persons, that paid advanced rents for farms to the prejudice of the old occupiers. Lord de Blaquiere urged as a reason for the suspension, the frequency of informers being assassinated: and instanced the case of one Healy, who had been sent to London by Government, after he had lodged his information, and was

Ireland in the mean time was loyal and tranquil in spite of the aspersions and calumnies of the hired writers, and the unsupported charges of some of the ministerialists in Parliament. On the 16th of February, according to adjournment, a numerous meeting of the Roman Catholic noblemen, gentlemen, and merchants was convened

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Resolutions
of the Ca-
tholic meet-
ing.

murdered in Piccadilly the very night of his arrival; and *Dr. Duigenan*, who claimed credit from the house for the following general assertions: that the county of Tipperary was disturbed by nocturnal searches for arms; that the county of Carlow was the scene of frequent nocturnal meetings, as was Limerick; and the city of Dublin was under the necessity of being patroled every night, from the multitude of dangerous conspiracies and assassination plots: centinels were shot dead and maimed on their stands, and committees were formed for systematizing assassination. The members for the respective places, in which the Doctor laid his charges, were present: and not one of them durst rise in support of his veracity. Lord Temple and Mr. Hutchinson deprecated the mischievous consequences of thus traducing and libelling the country. Lord Temple most judiciously complained, that if this bead-roll of iniquities were true, the learned Doctor should have given notice to the mover of the address on the King's speech, who had eminently displayed the tranquillity of Ireland, in order to have prevented him from carrying false statements to the foot of the throne. If half of what the learned Doctor had asserted were true, ministers were criminal indeed in permitting his Majesty to close the last and open the present session of Parliament without a word said upon the subject. If no evidence could be procured, a message at least from his Majesty might have laid a parliamentary ground for discussing the measure. Mr. Dawson in opposing the suspension, observed, that if there existed any necessity for so harsh a measure, it was impossible to believe, that there should not have been some official intimation or recommendation of it from the Lord Lieutenant.

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in Dublin, at which they unanimously entered into the following resolutions. 1°. That the Earl of Fingall, the honorable Sir Thomas (now Lord) French, Sir Edward Bellew, Counsellor Denys Scully, and Mr. Ryan should be appointed as a deputation, to carry into effect the undermentioned instructions; and that the other Roman Catholic Peers, (of whom Lords Gormanstown and Southwell were then present) should be requested to accede to the deputation. 2°. That the petition prepared by the Catholic committee, and reported by Lord Fingall to that meeting, should be then signed by Lord Fingall and the other Catholic gentlemen, and that the above-mentioned deputies should present it to Mr. Pitt, with a request, that he would bring it into Parliament; authorizing him, if he should feel himself precluded by strong reasons from supporting the petition at that moment, to state, that they would not press for the immediate adoption of the measure prayed for. And if Mr. Pitt should decline introducing it under such circumstances, that then they should procure its introduction by such other member, as should seem most eligible, with authority to such member to make the like declaration in the like case of his Majesty's Ministers declaring themselves precluded from affording their support at that moment.

Applica-
tions agaiⁿst
the catholic
petition.

Powerful applications were made to Trinity College, Dublin, to procure a petition from that learned body against the prayer of the Catholic petition to the two houses of Parliament. Their liberality prevailed over the intrigues and importunity of bi-

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gotry and intolerance. The critical combination of circumstances attending the discussion of the catholic question, most glaringly betrayed the weakness, and exposed the duplicity of Lord Hardwicke's government. He had been selected from the mass of peerage, as the best qualified to resist the emancipation of Ireland, under the insidious mission of reconciling her to thralldom. The ordinary manœuvres of the Castle upon Lord Kingall, and other leading men of the catholic body, to induce them to hold back their petition had failed. His Lordship could not consistently with his duty to his employers back, countenance, or recommend their petition, however just the claims, however worthy the claimants. He now stood doubly pledged to oppose the welfare and felicity of Ireland, by playing the same part under one Minister, who had declared the measure essentially necessary for the safety of the Empire, as he had under another, who professed it to be destructive of the constitution. The deception was to be henceforth increased. Hollow profession and adulation had ceased to misguide any, but the few, whose weakness, vanity, or interest rendered them contemptible to the body at large. Under the British Minister's assurance of a decided majority against the question, the Irish Viceroy affected to favour the Catholic's application by discountenancing counter-petitions, as encroaching upon the freedom of parliamentary debate. He was sensible in this difficult situation, that he could lay no claim to sin-

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cerity without acting. An example was to be made : and the experiment was singular.

Mr. Giffard's opposition to the Catholic petition.

Mr. John Giffard, who has before been noticed for his envenomed opposition to the claims of his catholic countrymen, had long possessed on that merit a predominating influence in the corporation of Dublin. In reward of his unabating fervor for the Protestant ascendancy, he had been 22 years in the enjoyment of the lucrative office of surveyor and gauger on the Custom-house quay, Dublin. There is no question, but that some general indistinct, and not very consistent intimation from the Lord Lieutenant had gone forth into circulation, that he wished no marked, much less virulent opposition to be made by any corporation to the question then pending in Parliament, which his Excellency was by pledge, instruction, and principle engaged to resist. Mr. Giffard was heedless, though not unapprized of this temporizing manœuvre of the Lord Lieutenant. He acted consistently with his long avowed professions. Aware, that he then commanded the sympathies of the corporation of Dublin, he played the undaunted hero on his own *arena*. On the 26th of April, at the Easter quarter assembly, Mr. Giffard reminded the Sheriffs of one of the most important duties they had to perform. They were, in fact, driven to the dire alternative, whether they should for the next year have Protestant Sheriffs, or a popish magistracy, to support the *Protestant ascendancy*. He pressed upon them the imperious necessity of putting to every candidate for the high and impor-

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tant office of Sheriff, a probationary test to exert his utmost energies to oppose the petition of the Roman Catholics to be relieved from grievances and disabilities, which (he roundly asserted) had no existence. He launched without check or discretion into every inflammable matter, that was likely to acuminate the Anti-Catholic passions of his audience from the walls of Derry to the barn of Scullabogue. He even attempted to excite their sympathies for their violated wives and daughters: crimes, of which even the slanderous Musgrave has acquitted the rebels. Upon these observations he engrafted three resolutions, which were carried, against only three dissentient voices, namely, Mr. Stevens, Mr. Hutton, and Mr. Semple.

1^o. That the assembly beheld with sorrow an occasion for their interference in objections against demands made in a petition then before the Imperial Parliament from the Roman Catholics of Ireland, which if yielded to, would subvert the Constitution, and militate against every privilege hitherto maintained inviolable by our ancestors*.

* This first resolution was warmly debated by the dissentients. Mr. Giffard's reply on that occasion proved, that he was more deeply initiated into the mysteries of the system, than those, who had to play the part of mock support. It was not then in his contemplation, that his arguments against Catholic emancipation, would in the short space of three years be the conditional grounds for their professed friends advocating that measure in a future Parliament. Little was he aware, that the objection raised to foreign nomination under George III. was but a revival of Henry VIII's rejection of the spiritual jurisdiction of the See of Rome. The new fangled terms of *negative* and *positive veto*,

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2^d. That the Catholic petition was at that time peculiarly ungracious, whilst the horrors of the last 10 years were so strong within the public recollection and feeling. 3^d. That a committee of five be appointed to draw up a counter petition to the Legislature to protect the Constitution against the inroads intended to be made by the petition.

Mr. Giffard's dismissal from office.

Lord Hardwicke anticipating the ease, with which the victory would be gained, considered that the sacrifice of one man might in the eyes of many keep up the semblance of conciliation, dismissed Mr. Giffard from his situation. The circumstance was represented and felt variously by the opposite parties. Few at the time reflected, that the Lord Lieutenant had rather severely

had not then been even broached. Mr. Giffard has certainly the merit of having compressed into few and significant words, the detailed and pompous reasoning of some Statesmen upon that question, as will appear hereafter. He said, "An affinity between certain inhabitants of his devoted country and Bonaparte, might without any of the mysteries of genealogy be easily traced. Bonaparte makes a Pope. A Pope makes Popish bishops. Popish bishops make Popish Priests, and Popish Priests fabricate Irish Papists. Whilst the latter, true to a common principle of predilection for their kindred, it is scarce to be wondered at, that Bonaparte should find friends and advocates amongst his spiritual connections and new-fangled cousins." Whoever thinks so lightly of the apostolic succession of Church Governors, as to imagine, that it may be interrupted or diverted by the whim, vice, or power of temporal potentates, will of course give into the reasoning of Mr. Giffard and his more dignified followers. But it will be remembered, that the Irish nation has submitted to three centuries of persecution for their conscientious difference upon this very point.

punished Mr. Giffard's mode of opposing a measure, which his Excellency was doubly pledged to resist. Like every hollow measure of state, it offended one party, and did not satisfy the other. At an adjourned Quarter Assembly on the 3d of May, that Gentleman addressed the meeting at great length and with much warmth.* He went through a highly coloured detail of his own meritorious services in the system, and closed with an animated profession of his unabated zeal for church and state. The resolutions, which his friend Mr. M'Auley proposed to and were carried by the meeting, shew the general tenor and spirit of his

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* Mr. Giffard on this occasion well knew, that Mr. Grattan was at that time in England, to take his seat in the Imperial Parliament; and fearing no resistance in that assembly, he seized the opportunity of retorting and at the same time of verifying what Mr. Grattan said to him on the hustings, in 1801, (vide. I. vol.) He boasted of having the authority of the confidential Secretary of the Chief Governor, the Rev. Dr. Lindsay (now Bishop of Kildare,) that the order of Government to dismiss him from his employment was solely the result of his endeavours to carry the counterpetition at the original Quarter Assembly; but denied, that the dismissal originated with Government. He was sure, Lord Hardwicke himself could not have authorized it. He attributed it to the interference and influence of Mr. Grattan, "that viper of sedition, the libeller of his King, who is gone to agitate the minds of his Majesty's British subjects, after having excited commotions in this country, which had nearly deluged it with the blood of its worthy and loyal inhabitants." He denied having ever received notice of his Excellency's wishes, that the counterpetition should not to be presented. Had he however received such notice, it would not have prevented him from exercising his freedom of debate in that assembly. He justified his heat by the recollection of his murdered son,

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speech, 1°. That it is the undoubted right of every subject to petition any branch of the Legislature. 2° That to injure any subject for the exercise of that right is oppressive and tyrannical. 3° That the assembly heard with strong feelings of regret, that one of their members had been deprived of an office, which he had enjoyed for 22 years under the Crown, for having exercised that privilege in his corporate capacity.

Conference
of the Ca-
tholic depu-
ties with Mr.
Pitt.

The deputies after their arrival in England having arranged the points, which were to be urged with Mr. Pitt, were admitted to an open conference with him on the 12th of March.* They stated the general object of their mission, premising, that the Catholics were extremely anxious to place their case and its merits under his protection, considering him to be a *sincere friend* to their cause. They had in him every hope and expectation, as under his administration they had ob-

*The conference lasted precisely 50 minutes. It is retailed rather at large, as an authentic document of Mr. Pitt's real feelings on the ground of his secession, and an unequivocal recognition of the pledge, under which he had returned to power. He now professed it to be a duty to resist that vital state measure, which because he could not carry in 1801, he found it his duty to resign his power. Thus formally superseding the deliberative powers of the constitution, and the sworn duties of the cabinet, by surrendering them to the private and unadvised opinions of the executive. Eight deputies attended the conference viz. the Earl of Shrewsbury, (Waterford and Wexford in Ireland) Earl of Fingall, Viscount Gormanstown, Lord Southwell, Lord Trimblestown, Sir E. Bellew, Counsellor Denys Scully and Mr. Ryan. Lord French had not then arrived in London.

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tained almost all the indulgences they enjoyed. No one could be more sensible than he was of the incalculable advantages of the measure: they looked therefore confidently to the concurrence of his power and will to give it effect. They assured him, that the body of Catholics in Ireland was loyal and constitutional: and it was their general sense, that an application in their behalf should at that time be made to the Legislature, in order that their case should be fully discussed and thoroughly understood by their fellow subjects. That this had become the more necessary from the misrepresentations calumnies and invectives of Sir Richard Musgrave, and other writers connected with the Irish Government, from which they had received but too much countenance and credit: and that an unworthy advantage had been thus taken of the silence, moderation and forbearance of their body. That it equally was for the good and safety of the Empire, that the real feelings and sentiments of the Catholics, should be well understood in foreign countries, and that the enemy should not speculate upon the aberration of the Catholic mind from the duties of allegiance: and that their attachment to Government and respect for the Legislature could not be more emphatically evinced, than by a temperate and constitutional application to Parliament, as to the only tribunal, from which they expected redress. They therefore urged him to present their petition in the ordinary way.

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Mr. Pitt's
answer.

Mr. Pitt acknowledged that the confidence of so very respectable a body as the Catholics of Ireland was highly gratifying to him; he had read with satisfaction a copy of their petition transmitted to him through Sir Evan Nepean, in which they very judiciously refrained from insisting upon the object of it, as a matter of right and justice. He always had considered it, as he still did, as a very political and expedient measure, and that therefore the time of proposing it, was an essential consideration in his mind: for the time must always enter into a measure of expediency. There existed at that particular time strong and decisive objections against proposing it to the consideration of the Legislature.* That he knew not when

* Mr. Pitt might on this occasion have candidly acknowledged what Lord Hawkesbury publicly and officially declared in the House of Lords on the 26th of March 1807, in debating the grounds of the Grenville administration's retiring from office; that although Mr. Pitt had in 1801 gone out of office on that question, yet on his return *he voluntarily engaged, that he never would again bring the subject under the consideration of his Majesty.* "He did not state that with any view of casting reproach on Lord Grenville, whose conduct was different, but to shew the regard, which a great Minister had paid to the wishes of his King on a question, which involved scruples of conscience in the Royal breast" It is now certain, that Mr. Pitt returned to office under a special pledge to withhold and resist that necessary and vital measure. Lord Hawkesbury involves him deeper in the system of pledges, than others, who though they submitted to, did not volunteer their pledges on accepting office. Had Mr. Pitt condescended to avow his pledge, it would have spared him on this, as on other occasions the laboured trouble of disguising the truth, forging expedients and inventing reasons for decoying his followers and deceiving the public.

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they were likely to be removed: he hinted very plainly (not in express words) what those objections were: under those circumstances he must decline presenting their petition, as he could not propose any measure grounded upon it. He wished, that the Catholics had seen, as he did, the extreme unfitness of the time for discussing their case under such unfavourable circumstances. The bringing it then under discussion was very disadvantageous to the welfare of the Empire, and particularly injurious to the Catholic body, as it put in hazard the ultimate success of their wishes, by obliging many Members then to oppose, who would at another time support the measure. He must however allow, that as they had come to that determination, they had conducted their proceedings and brought their petition forward in a manner most peaceable moderate and laudable, and he cordially complimented them upon it: but at that time it was impossible for him to present their petition.

The deputies still urgently entreated Mr. Pitt to give them the protection of his great name and situation. They assured him, that the object of their petition was nearest to the hearts of the people of Ireland: that they would never drop or lose sight of it, but persevere in bringing it under the consideration of the Legislature session after session. He replied, that there was no reason to suppose, that the subsisting objections would be removed by the next session, or when they would be removed. He cautiously avoided giving any intimation pros-

Continu-
ance of con-
ference.

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pect or hope of relief, at any particular period. The deputies then expressed their anxiety, that he should at least countenance a declaratory vote or resolution of the two houses of Parliament in favor of the policy and expediency of the measure, which though short of their wishes, would tend mainly to conciliate the Catholic mind in Ireland, by holding up some sure prospect of redress, however distant or uncertain as to time. That some such earnest for their protection from the Imperial Parliament was at that time absolutely necessary for Ireland. That the welfare of his Majesty's service and the security of the Empire required it. That the very same principles had been recognized in 1778 by the Parliament of Ireland, in the preamble of an act then passed in favor of the Catholics, as is specified in the petition.* That no reasonable

* " Your petitioners furthermore humbly shew, that 26 years have now elapsed, since their most gracious Sovereign and the Honorable House of Parliament in Ireland by their public and deliberate act declared, that " from the uniform peaceable behaviour of the Roman Catholics of Ireland for a long series of years, it appeared reasonable and expedient to relax the disabilities and incapacities, under which they laboured, and that it must tend not only to the cultivation and improvement of this kingdom, but to the prosperity and strength of all his Majesty's dominions, that his Majesty's subjects of all dominations should enjoy the blessings of a free constitution, and should be bound to each other by mutual interest and mutual affection." A declaration founded upon unerring principles of justice and sound policy, which still remains to be carried into full effect (although your petitioners are impressed with a belief, that the apprehensions, which retarded its beneficial operation previous to the Union, cannot exist in the Parliament of the United Kingdom.)

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doubt could be entertained of his ability to carry such a measure through the two Houses of Parliament, although he might not succeed in carrying a bill, which could not be perfected without the concurrence of all the three branches of the Legislature. That although the measure petitioned for might not then be attainable *in toto* on account of certain objections, yet the adopting and sanctioning of a bare principle of expediency by both or either of the Houses of Parliament could not break in upon scruples supposed to exist in a high quarter, or offer any violence to conscience in that regard. That on the contrary, it would tend powerfully to facilitate the final adoption of a measure, which he himself had at heart and deemed politic and expedient, whenever the proper time should arrive for proposing it. That to have obtained a recognition of those liberal principles, upon which he had acted, and by which he had acquired such a commanding influence upon the public mind, would greatly forward his views and policy by ensuring ultimate success to the measure. The minister still persisted in declining to present the petition, even for that subaltern purpose. He positively asserted, that at that moment with all the strength of Government he could not carry such a vote or resolution. That he could not entertain any measure, which should tend to a discussion, where the adoption was impracticable. That such a proposition would inevitably produce a discussion, and that every such discussion must be highly injurious to the state. That as he could not carry the

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measure, he must decline undertaking to propose it. For should the declaratory vote or resolution be carried, it ought to be immediately followed up by an effectual adoption of the measure. The deputies respectfully submitted to Mr. Pitt, that a declaratory vote by its very nature waived the immediate adoption of the measure, and rested it upon the assertion of a principle, to which they resorted, when the temporary difficulties should have been removed: and they strongly insisted upon the operative precedent of a declaratory vote in Parliament in favor of the abolition of the slave trade. The Minister barely repeated, that he could not carry the measure, and that at any rate he could not consistently with his sense of his duty take any step, which could produce a discussion of the subject.

Close of the
conference,
and Mr.
Pitt's ultimatum.]

As Mr. Pitt had so inflexibly declined acceding to either of the two first propositions, the deputies urged him still more anxiously upon a third. They assured him, that the Catholics were determined to cling to him and to his Majesty's Government, as long as they could: that they should with extreme reluctance be forced to separate themselves and their cause from him, to whom they had ever looked up as to their patron and most powerful supporter. That so far were they from wishing in any manner to embarrass Ministers, they had preferred to embarrass their own cause and clog its progress, than subject themselves to such an imputation. They therefore proposed to him, that if he would introduce their pe-

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tition, and lay it on the table of the House of Commons, they would authorize him to state to the House, that *they did not press the immediate adoption of the measure prayed for*. In a word, they were earnestly bent upon his presenting and countenancing their petition, and obtaining the notice and regard of Parliament. They assured him, that the entertaining of the petition at all, though it should be rejected or postponed, would be far more grateful to their feelings, than utter neglect and disregard. That they wished to be made known to their fellow-subjects in England, hoping, that the more they should be known to them, the better would they be liked. That his compliance with their request would defeat the attempts of those, who endeavoured to persuade the Catholics, that they had been deceived and duped by the Union. And in order to induce him to this last proposition, they informed him, that their instructions to introduce the petition were imperative upon them, and they endeavoured to impress him with a sense of the advantages he would have in being himself the introducer of the petition, by which he would keep the subject exclusively in his own hands, and preserve the gratitude and support, and command the energies of the Catholic body in all the measures of his Government. Should he persist in declining this last proposition, the petition would inevitably be introduced by some other member, who would bring on a discussion certainly less agreeable, and probably more injurious, than if regulated and mode-

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rated by himself. Mr. Pitt, without noticing any of those observations, drily repeated his negative determination: he remarked, that he should feel less personal embarrassment at the discussion, if it were occasioned by any other person than himself. He neither threw out a suggestion for their applying to any other channel, nor gave any ground for presuming, that the introduction of the petition through any ministerial member would be likely to soften his opposition. For he very explicitly declared, that *he should feel it his duty to resist it*. The only advice he condescended to offer, was to withdraw their petition altogether, or at all events to postpone it. The deputies being still desirous to leave a door open for some arrangement, which might keep alive the hope of Mr. Pitt's countenancing their cause, entreated him to allow himself a day or two to reflect upon the subject of their conference, and hoped he would then favor them with his ultimate commands: they suggested, that were he in that instant to decide so firmly against them, it might appear to the Catholic body, that their cause had been prejudged, even before he had seen their deputies, or communicated with a single Catholic gentleman upon the subject. That this would cast an ungracious cloud over their cause, which they flattered themselves he would not wish: for even in that moment they were unwilling to consider it utterly bereft of his countenance and support, as they knew it had his kind wishes and approbation. Mr. Pitt assured them, he had not decided upon the instant: he had read

and attentively considered their petition, had been regularly apprized of all their proceedings, had very fully revolved the whole matter in his mind, and had well deliberated and finally decided the course he should pursue. He had given them the fixed result of that decision.

Under the assurance of Mr. Pitt's (consequently of all the ministerialist's) decided opposition to the Catholic petition in every form, the deputies held several meetings to arrange their future steps for carrying their instructions into full effect: the result of which was to apply to Lord Grenville and Mr. Fox. They gave credit to Lord Grenville for the sincerity, with which he declared the necessity of carrying the Catholic question to have been the real cause of his retiring from office in 1801, and as he had not returned to power with Mr. Pitt, they anticipated his steadiness to their cause. With him they reckoned as sure friends, Lord Spencer, Mr. Wyndham, and some other members, who had formed a part of Mr. Pitt's former administration, and had resigned with him and upon one common principle. In the liberal policy and inflexible integrity of Mr. Fox, the deputies were sure at all times, and under all circumstances of cordial support, as well from him as from all his true friends. They considered the then coalesced party of opposition to comprize an assemblage of the leading characters in point of talent, rank, influence, political virtue and experience: and therefore Lord Grenville and Mr. Fox as their heads appeared the most eligible members

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Catholic deputies apply to Lord Grenville and Mr. Fox.

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for introducing their petition to Parliament. The deputies applied to them, were most cordially received, and had a conference with them of several hours, at which were present Lord Spencer, the present Lord Grey, and Mr. Wyndham. It ended in Lord Grenville and Mr. Fox undertaking to present the petition to their respective houses in Parliament, upon the following minute having been reduced to writing. “The noblemen and gentlemen here present on the part of the Irish Catholics understanding, that there is no likelihood of Mr. Pitt’s objection to time being removed in the next session, declare, that it is their wish, and as they believe, that of the Catholic body in Ireland, that after presenting their petition, Lord Grenville and Mr. Fox should take an early opportunity of moving, to take the said petition into consideration.” Thus closed the functions of the Catholic deputation.

Catholic petition presented by Lord Grenville to the Lords, and Mr. Fox’s to the Commons.

On the 25th of March 1805*, Lord Grenville in the Lords, and Mr. Fox in the House of Commons, presented the Catholic petition †. When

* The conference between the deputies and Lord Grenville and Mr. Fox took place on the 18th of March, and on the next day they gave notice in their respective Houses of their intentions to present the petition on the 25th of that month.

† The prayer of which was to the following effect, viz. “Your petitioners therefore most humbly presume to express their earnest, but respectful hope, that this Honorable House will, in its wisdom and liberality, deem the several statutes now in force against them no longer necessary to be retained, and that his Majesty’s loyal and dutiful subjects, professing the Roman Catholic religion, may be effectually relieved from the

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it had been read and moved by Lord Grenville in the house of Lords, that it should lie on the table, Lord Auckland rose with precipitancy, and observed with some warmth, that as far as his ears could catch the tenor of it, it went to overthrow the whole system of Church and State: and if the prayer of it were to be granted, he should soon see a Protestant Church without a Protestant congregation, and a Protestant King with a Popish Legislature. He expressed great anxiety, that the question should be calmly and fully discussed, summoned the Reverend Bench to arm themselves for the combat, and desired, that the result of the discussion might be an irrevocable decision upon the question, and set it at rest for ever. Lord Hawkesbury and Lord Redesdale expressed their general objection to the petition, and Lord Chancellor Eldon objected to the Duke of Norfolk's motion for its being printed. In the House of Commons Mr. Fox observed, that through the course of his Parliamentary duty, he had never risen with more satisfaction, than he then did to present a petition from the great body of the Catholics of Ireland, praying to be admitted to an equal participation of all the benefits of the Constitution with the rest of their fellow-subjects. Whatever were its merits, of

operation of those statutes; and that so they may be restored to the full enjoyment of the benefits of the British Constitution, and to every inducement of attachment to that Constitution, equally and in common with their fellow-subjects throughout the British Empire.

" And your petitioners will ever pray, &c."

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which he should then say nothing, he was happy, that it offered the most satisfactory proof, that the body of Irish Catholics sought to remedy the grievances they felt, by no other than legal means. Having read the petition, and moved, that it should lie on the table, Mr. Cartwright lamented, that it should have been brought forward at a time, when the Catholics as well as every one else knew, that there was an insurmountable objection to the attainment of their object; to which the feelings of the people of Ireland were much alive, and upon which therefore there could be no discussion without endangering the tranquillity of the country. Mr. Fox observed, that the insurmountable obstacle had not been specified; he could therefore then say nothing to it: whenever he should hear what the obstacle was, he should be ready to state his opinion upon it. For the conveniency of the Irish Members, an early day in May was appointed for the discussion, as the Spring Assizes would then be over.

Lord Aber-
corn against
Judge Fox.

Much Irish matter was in the mean time pressed upon both houses of Parliament; in so much, that it became a general complaint, that more of their time was devoted to Irish, than British concerns, by which the labour and attendance of the Members were insufferably increased. In the House of Lords, the Marquis of Abercorn presented new petitions from Mr. Hart, and from Mr. Armstrong and other Jurors of the County of Fermanagh, and from Mr. Irwin the Sheriff of the same County. He also adverted to the heads

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or particulars of the charges, which he intended to prefer against Judge Fox. The substance of them was nearly the same, as of those, which he had submitted to them last Session. They then were 7 in number, and he had now reduced them to 5: because two of them were too trivial, and founded in misconception: another of the charges he had new methodized, though it remained substantially the same: and what he had last Session termed *heads of complaint &c. against Judge Fox*, he then simply termed *particulars of the conduct of Judge Fox*. The Chancellor reminded him, that by the 1st of his present Majesty, no Judge was to be removed or called upon to answer for his conduct, but in consequence of an Address to his Majesty from Parliament to that effect. It became therefore a matter of the utmost delicacy and importance, what papers were laid before the house, and how that house exercised its delicate powers in that regard. Beset on all sides with difficulties as Lord Abercorn was in the prosecution of Judge Fox, it appears manifest, that he rested his ultimate success upon his personal influence with Mr. Pitt, who still directed every Parliamentary movement. A report was then current, that Mr. Pitt conscious, that his influence in the House of Commons was on the decline, had been induced to dissolve the Parliament, which was called Mr. Addington's Parliament, though Mr. Addington affected to have exercised no treasury influence in its election. The Marquis had sufficient interest to secure the

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progress he had made, and in order to ensure himself against the disheartening operation of recommencing his labours, he procured an Act to be passed, "to continue the proceedings in the
 " House of Lords, touching the conduct of Luke
 " Fox, Esq. one of the Judges of the Court of
 " Common Pleas, in that part of the United
 " Kingdom called Ireland, notwithstanding any
 " prerogation or dissolution of Parliament." These most extraordinary proceedings against Judge Fox brought forth the Duke of Clarence to call upon the house to exercise their constitutional duty on the occasion. His Royal Highness most properly suggested, that the initiation of the business should have proceeded from the other house: for the house of Lords being juridically but a Court of Appeal, could entertain no original proceedings, except in the case of impeachment by the Commons House of Parliament. He moved therefore, that the Committee appointed to sit on the next day upon the subject, should be postponed for 6 weeks. The Motion was *negatived by a majority of 9.

Case of
 Judge Johnson.
 sum.

The same Session of Parliament produced another Act affecting the case of Judge Johnson, also a Judge of the Court of Common Pleas in Ireland. Its title in great part bespeaks its meaning. "An
 " Act to amend 2 Acts of the 13th and 14th

* The prominent opposers of the Motion were Lords Limerick, Westmoreland, Hawkesbury, and Sidmouth; the chief supporters of it were Lords Carlisle, Spencer, and Grenville.

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“ years of his present Majesty, for the more effectual execution of the Criminal Laws, and more easy apprehending and bringing to trial offenders escaping from one part of the United Kingdom to the other, and from one County to another.” When a Government can with impunity convert the judicature and Legislature of a country into engines of personal vengeance and oppression, then indeed is the system become so corrupt, that it must fall by its own or another hand. It has been before observed, that in the month of May 1804, Mr. Cobbett had been found guilty of having libelled Lord Hardwicke and others of his Government in the letter signed *Juvena* published in his political register. After his conviction he gave up the manuscript letters he had received by the post from Ireland, to Government, who soon found persons ready to swear, that they were in the hand writing of Mr. J. Johnson. The letters not only censured Lord Hardwicke, Lord Redesdale, Mr. J. Osborne and Mr. Alexander Marsden, who were mentioned in the indictment, but they also minutely disclosed the views grounds and means of Mr. A. Marsden’s having procured the office of Attorney General for Mr. O’Grady. It was found prudential not to load the indictment with his name, lest the prosecution might be clogged in its progress, or appear on that account more personal than official. By the scenic preparation for the intended tragedy, it appears, that the act of state was anxiously wished to be covered by sanction of law. The censor of the

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system became the marked victim of oppressive vengeance. The precipitancy to oppress the daring individual betrayed the managers of the state manœuvre into open abandonment of the first principles of Legislation by passing an *ex post facto* law, and into hostility to the freedom of the subject by defeating the great safeguards of *Magna Charta*, and the bill of rights against oppression. The particular effects of high influence upon the principal actors in this state-exhibition may be traced through every scene,* which from the marking of the victim led it to immolation.

* How strongly state feelings operated upon the legal proceedings in this matter in the Courts of Ireland, may be collected from what fell from the Attorney General in his argument in the King's Bench in January 1805, on the legality of the arrest of Judge Johnson, of which more will be said hereafter. "I cannot help complaining, that it is a little severe, that when I am seeking to bring another man to his trial, I am suddenly put upon my own, &c. I wish to take the first occasion of disclaiming both for myself and others, the most remote idea of any proceeding towards Mr. J. Johnson, *which the necessary attainment of justice does not indispensably require.*" And when Mr. Baron Smith in the first week of the ensuing February, delivered his admirable argument in the Exchequer against the opinion of his brethren on that Bench, he found it necessary, to make this important cautionary declaration. "I will not fear, that any thing, which I may have urged to day can be misrepresented or remembered to my injury by others: I shall have roused no treacherous enemy into action: and even if I should, yet knowing how free the country is, in which I live, I cannot suppose, that their hostile activity would be successful. The free doctrines, which I have maintained, I should be sorry to look on as too bold; and still sorrier to consider, as in any manner obsolete. Therefore in promulg-

Strong effects were produced both in England and Ireland by the publication of *Juvena's* letters. They were universally believed to have been written by Mr. J. Johnson: and his official character doubled the point and energy, with which they were written. Proportionate resentment against the author arose in the breast of those, who were individually affected by the exposures contained in them, and they wielded uncontrouled the double edged sword of vengeance and of justice. It might be presumptuous to charge the ostensible mover in this Legislative mystery, with a reflex

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Effects of
Juvenas
letters.

"ing them I cannot risk incurring the displeasure of those constitutional minds, which have the guidance of the state." He then also made this manly, and not redundant profession in the presence of his brethren on that Bench. "I am concerned for no individual: I am an advocate exerting myself on behalf of the constitution. Such advocatism is more than the privilege: it is the duty of a Judge." (Vid: his speech published from the proceedings and notes with his permission.) Mr. J. Day, who was the only Judge of the three in the King's Bench, who openly made head against the courtly doctrines, did not use quite as strong language, as Baron Smith. He manifestly however shewed, that in differing from his brethren, he had to labour more against prejudice and influence, than doubt or uncertainty. After having demonstrated, that the courtly construction of the act made an offender thrice punishable, he said. "Still is it, but one crime, whatever the extent may be of its ravages, whether it cross the channel, the Tweed or only the Thames. To say, that the Legislature would interfere in such a case, and arm with any extraordinary process, a vindictive prosecutor to glut his resentment by multiplied prosecutions, and multiplied punishments, would be to make the Legislature auxiliary to a malignant and implacable vengeance."

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intention, which can not be proved, and ever will be, as it ever has been denied, that the bill was brought in under any particular influence, or for any particular purpose. In May 1804, Mr. Percival then Attorney General was either induced or directed to bring in the above-mentioned bill as a matter of necessary regulation created by the Union. It passed as a matter of course through both houses without opposition or even discussion: and no wonder: for it purported on the face of it no more, than to prevent fugitive malefactors from eluding the arm of justice, by escaping into Ireland out of the process of legal writs, after having offended in Great Britain, or *vice versa*; as the law had already provided for cases of such escapes as between county and county in England, and between the several legal jurisdictions of England and North Britain. Mr. Percival repeatedly acknowledged he was not aware of the difficulties, which were afterwards raised against it, either at the time of its introduction, or of its passing into a law. He may have been the unconscious engine of its intended malice. The enacting and use made of that act of the 44th Geo. III. form too important an *arcantum* of the system, not to be minutely developed.

Acts of Geo.
II. between
county and
county

* In the 23d of Geo. II, an English act was

* The reader will excuse the length of detail, which is necessary to dissect the mechanism of the state engine so artfully constructed to delude the public and scourge the individual. Many things can be conclusively proved *a posteriori*, of which a presumption can be hardly raised by argument *a priori*. The

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passed for the apprehending of persons in any county or place upon warrants granted by Justices of the Peace in any other county or place. That act sets forth the reasons of its enactments in these plain words. “Whereas it frequently happens,

“that persons, against whom warrants are granted
 “by Justices of the Peace for the several counties
 “within this kingdom, escape into other counties
 “or places out of the jurisdiction of the Justices
 “of the Peace granting such warrants, and there-
 “by avoid being punished for the offences, with
 “which they are charged.” For remedy thereof it enacted, that from the 24th day of June 1750, if any person, against whom a warrant should have been issued by any Justice, should *escape or go*

secret views, disavowed intentions and premeditated schemes of any set of confederates can only be brought to light, counteracted or remedied by narrowly watching their several actions. In tracing and reflecting upon the several stages of introducing, passing and making use of this Act of Parliament, the reader is requested to bear in mind some of the leading principles of our Criminal or Crown Law. 1^o That no one is to be twice tried and punished for the same offence. 2^o That every offender shall be tried in the place, where the crime was committed. 3^o That a party arrested upon any charge may be instantly bailed, if the offence be bailable. 4^o That in the charge, warrant, indictment, judgment and punishment, there be certainty and uniformity. He will also awaken his attention to the facility, with which 48 freeholders can be collected for a Special Jury, out of whom 12 cannot be selected impervious to the feelings or dictates of the Bench or higher powers. Thus these acts operated prospectively upon fugitives or permanent or temporary residents out of the jurisdiction, in which their charged offences had been committed, and where they were to be tried.

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into any other place out of his jurisdiction, any justice within that jurisdiction, to which such person should have *gone or escaped* might indorse the warrant, apprehend the person and send him back to the same or some other justice within the jurisdiction, from which he should have escaped or gone, in order that he might be there dealt with according to law. In the next year the Legislature found it necessary to amend that act, for the following reasons, as the statute mentions, because an offender might be out of the jurisdiction, under which he had offended, before any warrant had issued, and then he could not be said to have *gone or escaped* out of that jurisdiction, after such warrant granted. The act therefore enlarged the powers of the justices by these words enabling the justice of the place, where such person should *escape, go into, reside or be*, to indorse the warrant, and transmit the person to the county, where he had offended; and with due consideration to the freedom of the subject, it made provision for bailing the person so arrested in the place where taken, if the offence charged wereailable by law. Thus simply stood the law as between county and county in England. These acts of Geo. II. further required, that the warrant of the first justice should be authenticated upon oath, before it could be indorsed by the second.

The 13th &
4th Geo.
III. respect-
ing Scot-
land.

Then followed the 13th of Geo. III, which was nearly a similar regulation between England and Scotland: the Legislature having thought fit to make a law with respect to criminals escaping

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from England to Scotland and *vice versa* : and of that act the 44th of Geo. III. is nearly a transcript. The preamble to the third section of that statute sets forth the reasons and grounds of its enactment. "Whereas it may frequently happen, that *felons* "and other malefactors in that part of the "united kingdom called Ireland may make "their escape into that part of the united king- "dom called Great Britain, as also that felons "and other malefactors in that part of the "united kingdom called Great Britain may "make their escape into that part of the united "kingdom called Ireland; whereby their offences "often remain unpunished, there being no suffi- "cient provision by the laws now in force in "Great Britain and Ireland respectively, for ap- "prehending such offenders and transmitting "them into that part of the United Kingdom, in "which their offences were committed: for reme- "dy whereof," the Legislature enacted, that if any person, against whom a warrant should be issued in Ireland for any crime or offence against the laws of Ireland should *escape, go into, reside or be* in any place in England or Scotland, it should be lawful for any Justice of the Peace for the place, whither or where such person should *escape, go into, reside or be*, to endorse his name on such warrant; which endorsement should be a sufficient authority to the person bringing it to execute the same, by apprehending the person, against whom it was granted, and to convey him by the most direct way into Ireland, and

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before a justice living near the place, where he should land, who should proceed with regard to him, as if he had been legally apprehended in such county of Ireland. The 4th section made the like provisions for escapes from England or Scotland into Ireland. The statute directed the expences of such removals to be paid to the person defraying the same by the treasurer of the county, in which the crime had been committed. It gave power to take bail in the place, where the person should be apprehended, as between county and county, but not as between Great Britain and Ireland. The reason is obvious: the acts of Geo. II, which introduced the regulation between county and county, went to affect all persons, not only guilty of capital crimes, but of misdemeanours and other bailable offences. Whereas the 13th of his present Majesty, which extended the regulation from England to Scotland, where different laws and separate legal jurisdictions existed, confined it properly to capital offenders, whom it very significantly denominated *felons and other malefactors*. In such form passed silently through Parliament that notorious act: and being wholly unnoticed by the press, which was at the devotion of Government, it sheathed from the keenest eye of scrutiny its edge, point and venom, till its intended victim was prepared for the torture. However theoretically doubtful, whether the atrocious severity of this insidious act were designed to overpower the censor of the Irish Government,

it is historically true, that its destructive powers were quickly and exclusively brought to bear upon the learned Judge.

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Scarcely will posterity believe, that an act so salutary in its intent, so obvious in its spirit, so simple in its wording, should have been tortured into an engine of such inconsistency, oppression and injustice. No sooner was it known, that it was the wish of Government that J. Johnson should be tried in England for the libel, which he had been found guilty of publishing in Westminster, on the 5th of November 1803, than all the advocates for the prosecution and those, who moved under ministerial influence, broadly and unblushingly gave the following construction to the act. That it extended not only to capital crimes, but to every subordinate offence, comprizing under the word *malefactor* every evil doer indefinitely: that the removal of an offender from one jurisdiction into another was not necessary to bring him within the statute, either before or after the warrant granted: that the act affected persons committing constructive offences within jurisdictions, in which they never were, as much as if they had there committed the offence, and thence escaped into another jurisdiction: that it precluded the person charged from bail in all bailable cases, in defiance of the *habeas corpus* act: that it specially applied to cases of libel against persons entrusted with the powers of Government and the offices of state: that to procure an indorse-

Strange
Construc-
tion of the
44th of Geo.
III.

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ment, it was not necessary to swear to the original warrant: that to bring a person under the operation of the act, it was not requisite, that the offence should have been committed since the day of its operation, (1, August 1804,) but that it operated retrospectively and indefinitely upon all offences committed at any period however remote before the existence of the statute: that the person transmitted under the act to take his trial before a foreign tribunal had no compulsory means of bringing over witnesses in his defence: and that for one single offence he might be thrice tried and thrice punished:

Proceedings
against J.
Johnson

No sooner had the Grand Jury of Middlesex found the bill against Mr. J. Johnston, than upon the certificate of the Clerk of the Crown Office Lord Ellenborough issued his warrant to Mr. Williams his tipstaff, to take the body of Mr. J. Johnston, and bring him before a Magistrate in England, for the purpose of giving bail to appear and take his trial at Westminster. The warrant was indorsed by Mr. Ball a Justice of the Peace for the County of Dublin, and Mr. J. Johnson was arrested in his own house at Milltown. On that evening a writ of *habeas corpus* was sued out returnable immediately before the Lord Chief Justice, who ordered the parties to attend him at his house in Dublin, and the return to be made the next day at noon. The Chief Justice was attended on the occasion by seven Judges, and the matter was argued for several hours: the result

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was, that of the eight Judges present three were for discharging, and three for remanding him: and two declined giving their opinions. Thence the matter was adjourned into the Court of King's Bench, and argued before three* of the Judges, two of whom were for remanding him, and Mr. Judge Day was for his discharge. Then a new writ of *habeas corpus* was issued returnable into the Court of Exchequer, where the question was argued before a full Court for 3 days successively. The Barons delivered their opinions *seriatim* and at great length. Mr. Baron Smith† alone was for his discharge. He was accordingly remanded: and forced to yield to the oppressive construction of that statute. Under it he was compelled to withdraw the trial of the question from an Irish to a foreign tribunal, from a Jury of the vicinage to the inhabitants of a foreign country, ignorant of

* Mr. J. Osborne having been mentioned in the indictment did not take his seat on the Bench.

† Never was a more learned and conclusive argument delivered than that of Baron Smith. Mr. Curran's speech in the Exchequer has been happily preserved. It is a model of the closest reasoning upon sound constitutional and legal doctrines enriched with an exuberance of point, figure and classical elegance. Mr. Baron Smith made this honorable mention of it in his argument. "If on the present occasion I support it with warmth, it may be, I yet retain the excitation of a speech, which did honor even to the eloquence of Mr. Curran, and gave additional lustre to the importance, however transcendent, of the present subject. A speech, which those would be worse than bad critics, who could mistake for mere brilliant declamation."

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local circumstances, indifferent about the welfare and uninformed of the state of the country, where the charged crime was (if at all) originally and effectually committed: and where alone it could be fairly tried, as being the residence of the prosecutors, prosecuted, and all the witnesses on both sides, and the scene of all those acts, the censure of which had been charged to be libellous. But the persons, to whom he was delivered over without bail or mainprize, and disarmed of the British Shield of personal liberty, durst not bring the charge before an Irish Jury, by whom all the facts circumstances and persons of the period, to which the charged libel referred were too well understood. If the act, as it obviously purported, applied to all persons, who by withdrawing from the jurisdiction, under which their offences were committed, declined to render themselves amenable to justice, then, *escape* was of the essence, and formed an indispensable ingredient in the composition of every case within the statute. Mr. J. Johnson was stationary and courting trial, where (if at all) he had offended, and could be adequately punished, in lieu of being transported to a place, where he was charged only with having committed a constructive misdemeanour.

J. Johnson's
case brought
before the
House of
Commons.

As soon as a report of the judgment of the Court of Exchequer could arrive in London, Mr. James Fitzgerald called the attention of the House of Commons to that very extraordinary determination, which he said, he did in consequence of the great agitation, which it had created in Ireland,

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and of the general feeling and wish of the gentlemen of the Irish Bar, who if they had not concurred with him, would have abandoned that independence of judgment, and all those sound principles of law and reason, of which they had ever been so honourably tenacious. He felt it an imperious duty to call the attention of the House to the provisions of the act in question, which so flagrantly called for amendment, if by any construction it could be tortured into such injustice. He observed, that such construction had been put upon it by the opinion of two Judges against one. He should have felt it his duty to make a specific motion on this head, had he not thought, that the amendment would have come better from the quarter, in which the act had originated. He trusted the honorable and learned author of the act (Mr. Perceval) would frame such amendments, as would be best calculated to preserve the spirit of the act, and at the same time to remove every thing, that could give rise to such unjust construction. The Attorney General admitted, that the act required to be amended in some instances, but not in those alluded to by Mr. Fitzgerald: for he knew of no amendments rendered necessary by the proceedings in the court of law. Nor ought any thing to be then done, which could prejudice the discussion of the case before the courts by a parliamentary declaration of the sense of the House upon the construction of the act. When however Mr. Fitzgerald urged the revolting injustice of not taking bail in the place, where the arrest was made

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for appearance where the offence had been committed, Mr. Perceval reluctantly admitted, that this inconveniency had never been in his contemplation. The act, which was called his, was nearly a transcript of the 13th of the King, and the defect had never been noticed, till the occurrence then alluded to discovered it in both. Such however was the ministerial tenacity even to avowed error and injustice, that though they admitted, they would not correct the evil, whilst it was remediable. They consented to a bill being introduced for compelling witnesses to attend in England.

Judge Johnson petitions
the Lords.

Afterwards Mr. Justice Johnson as his last resort petitioned the House of Lords, and was heard by Counsel against such clauses of the bill, as he conceived most unjust and oppressive; praying, that his case might not be affected by any *post facto* law, which was not in existence at the time of the alleged offence. His Counsel strongly urged the crying injustice of punishing a man under a retrospective law, passed 18 months after the alleged offence had been committed: they adverted to the act affording no power of compelling the attendance of witnesses from Ireland, and argued for the decency and common justice of trying the learned Judge before an Irish court and jury in a country, where his person, character and conduct, particularly as connected with the object of the indictment, were better known, than they possibly could be in England. Lord Chancellor Eldon stood zealously forward to oppose the petition of the

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learned Judge, who had been charged with the inexpressible offence of having censured the system of governing Ireland. His conscience summoned him to resist the prayer of the petition. Nothing was clearer in law, than that if a man published a libel at York and in London, he was guilty of two distinct offences, and could be tried for either of them in one county or the other. His Lordship said, that it was the duty of all the King's subjects upon receiving the King's summons to attend any of his courts of law: he did not even glance at the refusal of bail, where the arrest was made, or the unconstitutional hardship of transporting a man to take his trial from his home to a strange country. After a copious harangue upon the earnestness of his own wishes to do ample justice to the country and to the individual, (and one could not be without the other) he objected to do any thing, that could interrupt the course, which the pending trial was then in. He thought it how ever reasonable to afford the party the compulsory means of bringing over witnesses on his behalf, and this was effected by the new bill. Upon his Lordship's motion, the House negatived some clauses proposed by the Earl of Westmeath, which had been drawn up to remedy the evils complained of by the learned petitioner. Thus was an improvident and unjust statute reflexedly made the engine of carrying as *an act of State*, what the prosecutors and their managers feared to leave as *a matter of law* to a tribunal of Irish judicature, to

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Motions in
the Com-
mons re-
specting
State pri-
soners.

which all the facts of the case were too well known*.

Great pains were taken by Government to extol the steadiness, moderation and liberality of Lord Hardwicke's Government. Yet the public did not readily account for the frequent changes of his first Secretaries. He had not been four years in Ireland, when the nomination of Mr. Vansittart to succeed Sir Evan Nepean, made the fifth appointment to that important and lucrative situation since his Excellency's arrival in Dublin on the 23d of May 1801†. Equally difficult was it to bring

* On the 29th of November 1805, Mr. J. Johnson was found guilty in a trial at Bar before the four Judges of the King's Bench at Westminster. The only point made at the trial was, whether the manuscript were the hand-writing of J. Johnson. Four persons holding situations in public departments in Ireland, swore, that they believed that to be his hand-writing: five gentlemen swore the contrary. The learned Judge was put to a necessary expence of several thousand pounds in the matter. Pending this bill in the Commons, Mr. Vansittart moved for a copy of the correspondence between the Lord Lieutenant of Ireland and the Judges relative to the case of Mr. Judge Johnson: a tolerable proof, that it was treated more as a matter of State policy, than of constitutional law.

† An anonymous writer published in 1808, *A Sketch of the State of Ireland past and present*, in which he thus notices this rapid succession of Irish Chief Secretaries or Ministers. "A quicksand Government, that swallows in its fluctuations every venture at reform. In seven years we have had four Chief Governors, and eight Chief Secretaries, of different principles and parties, each stifling the abortive system of his predecessor by a system as abortive." More truly would he have said, that they were successively appointed to devise new projects for disguising and perpetuating one common system of oppression and division.

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within any system of moderation or liberality the unprecedented sufferings and hardships of the individuals, who were apprehended in 1803, and confined under the suspension of the *habeas corpus* act, and their confinement aggravated by the most unwarrantable and barbarous treatment. Lord Henry Petty moved, that there should be laid before the House of Commons copies of the depositions of the State prisoners confined in Kilmainham Goal, as given on oath before three Judges of the Court

The author of that pamphlet assumes the quaint originality of acute perception, incomplete reflection, and ambiguous conclusion. He affects the patriot, and libels his country. In proclaiming himself unbiassed, he betrays prejudice, bigotry, and fear: owning, that *in Ireland impartiality seldom thinks, and never writes*, anticipating his own fate of being heard by few and offending many, he asserts, *this my situation, the inevitable fate of cotemporary truth*. If the pamphleteer possessed that respectability, which his talents and attainments entitle him to, the publication of his name would have sanctioned all the truths, and repressed most of the falsehoods, which superabound in his publication. No liberal man would dare to affix an untainted name to the following coarse, petulant, and unfounded abuse of honourable, wise, and virtuous personages (49). “This Emmett and “M’Nevin, liberal, sagacious, and well-informed, have admitted, “though Keogh, Newport, and Parnell, furious, shallow, and “bigotted, deny it.” In 1809, appeared a pamphlet, entitled, “*A Defence of Ireland, or a refutation of national calumnies, particularly of a libellous publication, purporting to give “sketches of Ireland past and present, with reflections on the “Amor Patriæ, and its natural offspring a national spirit, by “Erigena, &c.*” The purport of the title is made good by the author. *Erigena* writes with the steady perspicuity of the philosopher, the erudition and elegance of the scholar, and the unaffected ardor of the patriot.

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of King's Bench in Ireland, who sat there for that purpose on the 16th and 17th of July 1804; and also copies of the memorials from the said prisoners of State to the Lord Lieutenant, prior and subsequent to the said dates. Mr. James Fitzgerald on another occasion, moved for an account of all persons imprisoned in Ireland for treasonable charges, together with the causes of their arrests, their means of subsistence whilst in prison, and how and when such of them as had been liberated were discharged. Difficulties were made by the Minister against specifying the grounds of commitment, lest it should lead to a discovery of the channels*, through which Government obtained informations.

* This was the plea, upon which Government constantly rested the justice of the different indemnity bills. It is notorious, that in numerous cases of State prisoners having been confined for years, no charge or information had been made. It appears therefore, that indemnities were more anxiously called for, to prevent enquiries, whether any and what persons had been confined without charges or informations against them, than to prevent discoveries of the channels, through which Government obtained the information, by which they affected to be guided in their discretion. The malignant imbecillity of Lord Hardwicke's Government is indelibly recorded in the profusion of innocent victims they sacrificed to cover or atone for their own improvidence and neglect in July 1803. It not only appeared in evidence on the trials of the State prisoners at that period, but was expressly admitted by Lord Castlereagh in the House of Commons in discussing the shameful events of that season, that not one hundred men had given into the rebellious projects of the unfortunate enthusiast Emmett, and yet above 2000 persons were most rigorously punished, who, if either disposed or pro-

Mr. Foster having brought forward the Irish Budget, in order to provide for the part of the supplies for the year to be raised by loan in Ireland, several debates and conversations took place in the House of Commons upon Irish taxation. In one of them Mr. James Fitzgerald urged the propriety of adjusting the joint account between England and Ireland, in which though Commissioners had been appointed for the purpose in the last and preceding session of Parliament, no progress whatever had been made. Trusting that the Chancellor of the Irish Exchequer (Mr. Foster) would attend seriously to that necessary subject, he moved for the production of several papers; viz. an account of all payments on the civil list of Ireland from January 1, 1801, distinguishing the classes, and specifying the savings or additions on each class, with the causes thereof; an account of all duties outstanding on bond or otherwise in Ireland; an account of all new taxes laid in Ireland since January 1, 1801, and the produce of each up to January 1805; an account of the stock in hand in Ireland on July 10, 1804 of teas, wine, sugar, malt, and home-made spirits, with the amount of the additional duty; also an account of the increase of all duties in Ireland since January 1, 1801. He also brought in a bill of much utility to the country for ascertaining the right of common in Ireland. Several financial bills were

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Irish Budget and financial arrangements.

voked to rebellion, had on that occasion at least the merit of having resisted the temptation to act against their allegiance.

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brought in, which afterwards passed into laws: viz. an Act for continuing and amending several Acts for regulating and securing the collection of the duties on spirituous liquors distilled in Ireland, and warehousing such spirits for exportation: and a like Act, with reference to other duties on fire-hearth, dwelling-houses, coaches, and other carriages, male servants, horses, and dogs; another, as to papers plain and printed or stained: an Act for charging additional duties on Spanish red wines: a further Act for better collecting and securing the revenue of Customs and Excise, and for preventing frauds therein. With all this legislative caution, any further recurrence of deficiency or arrear in the revenue would seem impossible, the more particularly so, as it was managed by Mr. Foster, who valued himself for his pre-eminent knowledge of the commercial and fiscal interests of his country. Mr. Fitzgerald manifested in many instances a faithful vigilance to the internal interests of his country: a merit not frequently observable in the Irish Members. He gave notice in the House, that after the Easter recess he intended to move for an account of the money raised by Grand Jury presentments in Ireland for the last three years. A more important subject of regulation could not arrest the attention of the Legislature. In the course of the two last years, above a million sterling had been levied for the repair of roads in that country*.

* There is not so crying a source of abuse and jobbing in all Ireland as the system of Grand Jury presentments, and the inter-

Mr. Pitt, notwithstanding his declining influence† in Parliament, found himself necessitated to

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Recruiting
from the
Irish Militia.

nal management of county police. It is but too well known in that country, that the appointment of the Sheriffs, Grand Juries, and all subaltern provincial officers is committed to the influence of the ministerial Members of Parliament. It thus becomes an inexhaustible source of abused patronage: presentments are frequently rank jobs. In many instances large sums of money have been received by opulent landlords of freehold voters, and the roads have remained impassible, and the accounts unsettled. The sums levied fall not upon the owners but the occupiers of the soil: which when once assessed upon the different denominations of the land, if not paid to the day, are enforced in a very cavalier manner by the high constable, who generally brings with him a detachment of the army, and sweeps the defaulters district of all their cattle. This appears to be a principal occupation of the army in country quarters. They call it, driving for the public money. Would to God, that the appropriation of the money were as prompt, faithful, and useful to the public, as the levy is quick, costly, and oppressive to the tenants. Whenever the Judges of assize, from a sense of public duty, resist any improper conduct of the Grand Jury, they are sure to embroil themselves in serious differences. Such was the case of Judge Fox and Lord Abercorne.

† Nothing ever let down Mr. Pitt so much in his own eyes, as his inability to carry his friend and colleague Lord Melville through the impeachment of the Commons for high crimes and misdemeanors. The House divided in equal numbers, 216 upon the previous question put by Mr. Pitt to get rid of Mr. Whitbread's resolutions, when Mr. Abbott the Speaker gave the casting vote against the Minister. Mr. Pitt expressed in lively terms, the keen mortification he suffered in communicating to the House of Commons his Majesty's acceptance of Lord Melville's resignation of the office of First Lord of the Admiralty, and the erasure of his name from the list of Privy Counsellors. Mr. Canning, Treasurer of the Navy, was also driven by the sense of the House of Commons to dismiss Mr. Trotter, who had been

1805.

resort to Ireland in an indirect manner for recruiting the army, notwithstanding his new pledged resistance to the admission of Roman Catholics to serve in the army and navy out of Ireland. He brought in a bill to allow a certain portion of the Militia of Ireland to enlist into the army, ordnance, and marines. No reduction was however to take place in the Militia. The numbers allowed to volunteer were two-fifths of the whole Militia then on foot; which was then to be filled up to its original complement by ballot with all possible dispatch, as he wished the defensive force of Ireland not to be diminished; and the facility of raising men for the Militia was much greater in Ireland, than in England. Sir John Newport, ever alive to the interests of his country, objected to the measure, because it would expose Ireland to the attack of the enemy by taking away the men, already disciplined, and leaving its defence to raw recruits*. Several observations were made by English Members, upon the mode of recruiting for the Militia in Ireland, which up to that period had

Lord Melville's confidential Secretary and Agent from the office of Paymaster of the Navy.

* On this occasion General Tarleton observed from his experience in the service, that no men were so quick at learning military discipline as Irish recruits. Several experienced officers have acknowledged to the author, that the Irish soldiers are more athletic, and undergo hardships with much more alacrity and suffer less from them than the English. Their impetuosity and prowess are notorious. Hence a lamentable aggravation of the impolicy of excluding them from the regular service, and recruiting them only by stealth or deception.

not been by ballot in the respective counties; but Militia men were raised, wherever the recruiting Serjeants could find them.

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Several preparatory steps were taken by both sides in contemplation of the decision of the great question upon Catholic Emancipation, which stood for early days in May in both Houses of Parliament. Petitions against it were presented from the Universities of Oxford and Cambridge, from the cities of London and Dublin, the county of Fermanagh, and other corporations and public bodies. In order to have the advantage of the brilliant talents of Mr. Grattan in the discussion of the Catholic question, Lord Fitzwilliam induced the Honorable C. L. Dundas to vacate his seat for the borough of Malton, and Mr. Grattan was returned for it.

Petitions
against the
Catholic
Question.

On the 10th of May, Lord Grenville introduced the Catholic petition*, by recommending to their

Lord Gren-
ville intro-
duces the
Catholic
petition.

* As the general arguments for and against the merits of the Catholic question have been so frequently urged and defended on late public occasions, and are familiar to all, who interest themselves in it, they will not here be even referred to. Suffice it to observe, that every invidious and effete objection to the Catholic faith, doctrines and morals were brought into the contest by the opponents, and anticipated or answered by the supporters of the measure. Those arguments only will be noticed, which appear to be new and illustrative of the modern history and systematic government of Ireland. Having found it a duty to give the debate on this question more in detail, than any other, that has taken place since the Union, as that which most intimately involved the vital interests of Ireland, the end proposed might

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Lordships to grant the whole of it, if they meant

not be answered, unless the petition which gave rise to it, were adjoined.

To the Right Honourable and Honourable the Knights, Citizens, and Burgesses of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The Humble Petition of the Roman Catholics of Ireland, whose names are hereunto subscribed, on behalf of themselves and of others his Majesty's Subjects, professing the Roman Catholic Religion.

"SHEWETH—That your Petitioners are steadfastly attached to the Person, Family, and Government of their Most Gracious Sovereign; that they are impressed with sentiments of the most affectionate gratitude for the benign laws, which have been enacted for meliorating their condition during his paternal reign, and that they contemplate, with rational and decided predilection the admirable principles of the British Constitution.

"Your Petitioners most humbly state, that they have solemnly and publicly taken the oaths by law prescribed to his Majesty's Roman Catholic subjects, as tests of political and moral principles, and they confidently appeal to the sufferings, which they have long endured, and the sacrifices which they still make, rather than violate their consciences, (by taking oaths of a religious or spiritual import contrary to their belief) as decisive proofs of their profound and scrupulous reverence for the sacred obligation of an oath.

Your Petitioners beg leave to represent, that by those awful tests they bind themselves, in the presence of the all seeing Deity, whom all classes of Christians adore; To be faithful and bear true allegiance to their most gracious Sovereign Lord King GEORGE the Third, and him to defend to the utmost of their power against all conspiracies and attempts whatsoever, that shall be made against his person, crown, or dignity; to do their utmost endeavours to disclose and make known to his Majesty and his heirs all treasons and traitorous conspiracies, which may be formed against him or them, and

to discharge that duty, which the Union had im-

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Faithfully to maintain, support and defend, to the utmost of their power, the succession to the Crown in his Majesty's family against any person or persons whatsoever."

"That, by those oaths, they renounce and abjure obedience and allegiance unto any other person claiming or pretending a right to the Crown of this realm: that they reject and detest, as unchristian and impious to believe, that it is lawful in any way to injure any person or persons whatsoever under pretence of their being Heretics, and also that unchristian and impious principle, that no faith is to be kept with Heretics; that it is no article of their faith, and that they renounce, reject, and abjure the opinion, that Princes, excommunicated by the Pope and Council, or by any authority whatsoever, may be deposed or murdered by their subjects, or by any person whatsoever; that they do not believe, that the Pope of Rome, or any other foreign Prince, Prelate, State or Potentate, hath, or ought to have any temporal or civil jurisdiction, power, superiority or pre-eminence within this realm; that they firmly believe, that no act, in itself unjust, immoral, or wicked, can ever be justified or excused by, or under pretence or colour, that it was done for the good of the Church, or in obedience to any Ecclesiastical Power whatsoever: and it is not an Article of the Catholic Faith, neither are they thereby required to believe or profess, that the Pope is infallible, or that they are bound to obey any order, in its own nature immoral, though the Pope or any Ecclesiastical Power should issue or direct any such order; but that on the contrary they hold, that it would be sinful in them to pay any respect or obedience thereto; that they do not believe, that any sin whatsoever, committed by them, can be forgiven at the mere will of any Pope, or of any Priest, or of any person or persons whatsoever; but that any person, who receives absolution without a sincere sorrow for such sin, and a firm and sincere resolution to avoid future guilt, and to atone to God, so far from obtaining thereby any remission of his sin, incurs the additional guilt of violating a sacrament;" and by the same solemn obligation, "they are bound, and firmly pledged to defend, to the utmost of their power, the settlement and arrangement of

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posed upon them, and to provide for the real and

property in their country as established by the laws now in being; that they have disclaimed, disavowed, and solemnly abjured any intention to subvert the present Church establishment for the purpose of substituting a Catholic establishment in its stead;” and that they have also solemnly sworn “that they will not exercise any privilege, to which they are or may become entitled, to disturb or weaken the Protestant religion, or Protestant Government in Ireland.”

“Your Petitioners most humbly beg leave to shew, that however painful it is to their feelings, that it should still be thought necessary to exact such tests from them, (and from them alone of all his Majesty’s subjects) they can with perfect truth affirm, that the political and moral principles, which are thereby asserted, are not only conformable to their opinions, but expressly inculcated by the religion, which they profess: and your Petitioners most humbly trust, that the religious doctrines, which permit such tests to be taken, will be pronounced by this Honourable House to be entitled to a toleration, not merely partial but complete, under the happy Constitution and Government of this realm: and his Majesty’s Roman Catholic subjects, holding those principles, will be considered as subjects, upon whose fidelity the State may repose the firmest reliance.

“Your Petitioners further most humbly shew, that 26 years have now elapsed since their most gracious Sovereign and the Honourable Houses of Parliament in Ireland, by their public and deliberate act, declared, that, “from the uniform peaceable behaviour of the Roman Catholics of Ireland for a long series of years, it appeared reasonable and expedient to relax the disabilities and incapacities, under which they laboured, and that it must tend not only to the cultivation and improvement of this kingdom, but to the prosperity and strength of all his Majesty’s dominions, that his Majesty’s subjects of all denominations should enjoy the blessings of a free Constitution, and should be bound to each other by mutual interest and mutual affection: a declaration founded upon unerring principles of justice and sound policy, which still remains to be carried into full effect (although

essential union of all the inhabitants of Ireland

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your Petitioners are impressed with a belief, that the apprehensions, which retarded its beneficial operation previous to the Union, cannot exist in the Parliament of the United Kingdom).

“ For your Petitioners most humbly shew, that by virtue of divers statutes now in force, his Majesty’s Roman Catholic subjects, who form so great a proportion of the population of Ireland, and contribute so largely to the resources of the State, do yet labour under many incapacities, restraints and privations, which affect them with peculiar severity in almost every station of life; that more especially they are denied the capacity of sitting or voting in either of the Honourable Houses of Parliament; the manifold evils consequent upon which incapacity they trust it is unnecessary to unfold or enumerate to this Honourable House.

“ They are disabled from holding or exercising (unless by a special dispensation) any corporate office whatsoever in the cities or towns in which they reside; they are incapacitated and disqualified from holding or exercising the offices of Sheriffs, Sub-Sheriffs, and various offices of trust, honour and emolument in the State, in his Majesty’s military and naval service, and in the administration of the laws, in this their native land.

“ Your Petitioners, declining to enter into the principal detail of the many incapacities and inconveniencies avowedly inflicted by those statutes upon his Majesty’s Roman Catholic subjects, beg leave however, most earnestly to solicit the attention of this Honourable House, to the humiliating and ignominious system of exclusion, reproach and suspicion, which those statutes generate and keep alive.

“ For your Petitioners most humbly shew, that in consequence of the hostile spirit thereby sanctioned, their hopes of enjoying even the privileges, which, through the benignity of their most gracious Sovereign, they have been capacitated to enjoy, are nearly altogether frustrated, insomuch that they are, in effect, shut out from almost all the honours, dignities, and offices of trust and emolument in the State, from rank and distinction in his Majesty’s army and navy, and even from the lowest situations

1803.

in bonds of affection and loyalty, and a resolution

and franchises in the several cities and corporate towns throughout his Majesty's dominions.

" And your Petitioners severely feel, that this unqualified interdiction of those of their communion from all municipal stations, from the franchises of all Guilds and Corporations, and from the patronage and benefits annexed to those situations, is an evil not terminating in itself; for they beg leave to state, that, by giving an advantage over those of their communion to others, by whom such situations are exclusively possessed, it establishes a species of unqualified monopoly, universally operating in their disfavor, contrary to the spirit, and highly detrimental to the freedom of trade.

" Your Petitioners likewise severely feel, that his Majesty's Roman Catholic subjects, in consequence of their exclusion from the offices of Sheriffs and Sub-Sheriffs, and of the hostile spirit of those statutes, do not fully enjoy certain other inestimable privileges of the British Constitution, which the law has most zealously maintained and secured to their fellow subjects.

" Your Petitioners most humbly beg leave to solicit the attention of this Honourable House to the distinction, which has conceded the elective, and denies the representative franchise to one and the same class of his Majesty's subjects, which detaches from property its proportion of political power under a Constitution, whose vital principle is the union of the one with the other; which closes every avenue of legalized ambition against those, who must be presumed to have great credit and influence among the mass of the population of the country; which refuses to Peers of the realm all share in the legislative representation, either actual or virtual, and renders the liberal profession of the law to Roman Catholics a mere object of pecuniary traffic, despoiled of its hopes and of its honours.

" Your Petitioners further most humbly shew, that the exclusion of so numerous and efficient a portion of his Majesty's subjects as the Roman Catholics of this realm, from civil honours and offices, and from advancement in his Majesty's army and navy, actually impairs, in a very material degree, the most valuable resources of the British Empire, by impeding his Ma-

to defend the King and Constitutional interests of

1805.

Majesty's general service, stifling the most honourable incentives to civil and military merit, and unnecessarily restricting the exercise of that bright prerogative of the Crown, which encourages good subjects to promote the public welfare, and excites them to meritorious actions, by a well regulated distribution of public honours and rewards.

" Your Petitioners beg leave most humbly to submit, that those manifold incapacities, restraints and privations, are absolutely repugnant to the liberal and comprehensive principles recognized by their most gracious Sovereign and the Parliament of Ireland; that they are impolitic restraints upon his Majesty's Royal prerogative; that they are hurtful and vexatious to the feelings of a loyal and generous people, and that the total abolition of them will be found not only compatible with, but highly conducive to, the perfect security of every establishment, religious or political, now existing in this realm.

" For your Petitioners most explicitly declare, that they do not seek or wish, in the remotest degree to injure or encroach upon " the Rights, Privileges, Immunities, Possessions, or Revenues appertaining to the Bishops and Clergy of the Protestant Religion as by law established, or to the Churches committed to their charge, or to any of them " The sole object of your Petitioners being an equal participation, upon equal terms with their fellow subjects, of the full benefits of the British Laws and Constitution.

" Your Petitioners beg leave most humbly to observe, that although they might well and justly insist upon the firm and unabated loyalty of his Majesty's Roman Catholic subjects to their most gracious Sovereign, their profound respect for the Legislature, and their dutiful submission to the laws, yet they most especially rest their humble claims, and expectations of relief upon the clear and manifest conduciveness of the measure, which they solicit, to the general and permanent tranquillity, strength, and happiness of the British Empire. - And your Petitioners, entertaining no doubt of its final accomplishment, from its evident justice and utility, do most solemnly assure this Honourable House, that their earnest solicitude for it, at this peculiar crisis,

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the country against all enemies external and inter-

arises principally from their anxious desire to extinguish all motives to disunion, and all means of exciting discontent.

“ For your Petitioners most humbly state it as their decided opinion, that the enemies of the British empire, who meditate the subjugation of Ireland, have no hope of success, save in the disunion of its inhabitants; and therefore it is, that your Petitioners are deeply anxious, at this moment, that a measure should be accomplished, which will annihilate the principle of religious animosity, and animate all descriptions of his Majesty’s subjects in an enthusiastic defence of the best Constitution, that has ever yet been established.

“ Your Petitioners therefore most humbly presume to express their earnest, but respectful hope, that this Honourable House will, in its wisdom and liberality, deem the several statutes now in force against them, no longer necessary to be retained, and that his Majesty’s loyal and dutiful subjects, professing the Roman Catholic religion, may be effectually relieved from the operation of those statutes, and that so they may be restored to the full enjoyment of the benefits of the British Constitution, and to every inducement of attachment to that Constitution, equally and in common with their fellow subjects throughout the British Empire.

“ And your Petitioners will ever pray, &c.”

Shtewsbury Waterford and

Wexford

Fingall

Kenmare

Gormanstown

Southwell

Trimlestown

Robert Plunkett

Thomas Barnewall

Thomas French, Bt.

Edward Bellew, Bt.

Francis Goold, Bt.

Thomas Ryan

Dennis Scully

James Nangle

A. Donel, M. D.

Thomas Warren

John Duffy

Richard Sause

Bartholomew Taylor

Joseph Taylor

Charles Ryan

Francis Cruise

Nicholas Gannon

Valentine O’Connor

Walter Dowdall

nal. His Lordship pressed upon their consideration. 1805.

James Ryan
Edward Moore
J. Purcell, M. D.
Thomas Egan, M. D.
Ambrose O'Farrell
Richard Bolger
Rand. M'Donnell
Christopher D. Bellew
Anthony Donelan
John Hartney
Jeremiah Wm. Bagot
O'Donoghue of the Glins
Hugh O'Connor
P. O'Brien Butler
John O'Reily
Thomas O'Connor
John Roke
James Nowlan, jun.
Nich. Fleming
Denis T. O'Brien
Robert Caddell
Thomas Barry
M. F. Lynch
Christopher Taylor
Charles Roche
John Taaffe
Rich. Strange
George Goold
Wm. Bellew
Maurice O'Connel
Daniel O'Mahony
Gerald Aylmer
John White
Thos. Redington
J. M. Grainger
R. S. Keatinge
James Scully

Francis Coleman
Lewis Ward
James P. Ward
V. O'Connor, jun.
Thomas Fitzgerald
David Hinchy
James Barron
Edward Ryan
John Burke
Edward Burke
James Byrne
John Brennan
Jeremiah Ryan
Pierce Barron
Wm. Barron
Charles Byrne
Dominick Rice
Ambrose Moore
R. P. M'Donnell
Eneas M'Donnell
John Byrne
Daniel O'Connel
John Lalor
Thomas Dillon
Philip Roche
Elias Corbally
Thos. Fitzgerald
Dom. W. O'Reilly
Malachy Donelan
Robert French
Daniel Cronin
James Ryan
Thomas Galway
John Roche
E. Burke
H. Trant.

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what appeared to be little thought of; that they had a population of from three to five millions of fellow subjects to legislate for, who professed and were firmly attached to the Roman Catholic religion, and who therefore for every purpose of Government and legislation were to be treated *as Roman Catholics* (such as they had been brought up and chose to remain). To obviate the argument for the necessity of all the high offices civil and military being enjoyed by those, who professed the religion of the State, he instanced, that within his own time he had seen the principal offices of the law filled by men, who had been educated in the Presbyterian religion, (Lords Mansfield and Rosslyn, Lord C. Baron Mac Donald, and Sir William Grant) and he could in like manner enumerate persons of the highest distinction in the army and navy, who did not profess the religion of the State. Dissenters were not excluded from Parliament. The Scotch Peers and Members, and many others were not of the established religion*. Long said his Lordship, had he sought that opportunity of bringing forward such a petition: and finding, that the Catholics began to grow impatient, when nothing had been done *towards redeeming that pledge, which had been formerly given them*, he thought it expedient to bring forward the measure at once: and he thought that season of all others the most favourable for introducing it. He moved that the House should resolve itself into

* King William was a strict Presbyterian.

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a Committee of the whole House to take the petition into consideration. Lord Hawkesbury sharply arraigned Lord Grenville for launching into all that undue heat and intemperance, which he had set out with disclaiming. In reply, the noble Secretary of State was directly charged with being guilty of the grossest misrepresentation; and an appeal was made to the House, whether Lord Grenville in any one instance had recourse to topics of the inflammatory nature, with which he had been charged. He had spoken of no triumph, but that of reason, which would ultimately prevail. Take off, said Lord Grenville, the chains of religious thralldom, and you will directly find, that in all political views you gain subjects, and in every social view you gain friends.

Lord Hawkesbury openly admitted, that no efforts had been spared by himself and the respectable Nobleman, who was in the Lieutenancy of Ireland, to prevent the question from being agitated in that juncture. He complained, that after all, that had been done, to point out to the petitioners the right line of their duty, they had thought proper to commit their interests to a party avowedly hostile to his Majesty's Government. The country, said the noble Secretary, as to all sentiments, all views, all feelings had of that great question, the sense of that country and of the reflecting part of the world are decidedly against it. He warned their Lordships not to lodge political power in the hands of the unworthy: and reminded them, that from the time of the Roman

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Catholics having been excluded from every privilege, to the period of renewing concessions to them, although two serious rebellions had raged in Great Britain, Ireland was uniformly tranquil; and it was only since the concessions made to the Catholics, that rebellion had again begun to shew her head in Ireland. He warmly urged the impossibility of maintaining the glorious fabric of our Constitution in Church and State without a Protestant King, Protestant Counsellors, Protestant Parliament, Protestant Judges, and Protestant Corporations. He heartily opposed the motion.

Duke of
Cumber-
land.

His Royal Highness the Duke of Cumberland, was anxious in the very first instance to give his decided opposition to the motion before the House, and to urge every resistance in his power to a measure subversive of all the principles, which placed the House of Brunswick upon the throne of these realms.

Earl Spen-
cer.

Earl Spencer observed, that Lord Grenville had in an irresistible manner anticipated all he had to urge for the motion. By former relaxations they had wisely enabled the Roman Catholics to obtain property, and encouraged them to cultivate education, and to cherish the sanguine hope, that the same loyalty and good demeanour, which had obtained for them past indulgencies, would speedily procure for them all that remained to place them on a level with their countrymen and fellow subjects. The refusal to remove the remaining restrictions cast upon them a foul stigma. Having granted to the great mass of the lower orders of

the Catholic Irish the elective franchise, and all the privileges and immunities appropriate to their situation, it became madness to refuse to the Catholic Peer and Gentleman, whose rank, education and property attach them to the Constitution and Government, and entitle them to their Lordships confidence, the privileges and immunities, which belong to their more exalted and important rank in the community.

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Lord Sidmouth was astonished to find the noble Baron, who had distinguished himself in the year 1790, by resisting the Dissenter's petition for repealing the test act, and since that by combating doctrines, which led to all the calamities, under which a great portion of the people was actually suffering, and he feared long would suffer, now taking so opposite a course, that would introduce all the innovating principles, against which he had formerly made so noble and successful a stand. There was no instance of Catholics and Protestants dividing political power without infinite mischief to the country: witness the unfortunate James II. who was at once the patron and victim of the project. He said, Lord Clarendon attributed the Irish rebellion of 1641 to the admission of Catholics into Corporations, and he painted with all the strength of his imagination the prospective horrors of a popular election, wherever a Catholic should propose himself the candidate against a Protestant. The rest of his Lordship's speech, which was long and warm, contained no

Viscount
Sidmouth.

1805.

novelty. He lamented, that so much of the Popery code had been repealed.

Lord Mulgrave.

Lord Mulgrave professed himself friendly to the petition, but would not vote for the motion, because he apprehended, that it would not be carried in either House of Parliament: and the petitioners had urged forward the question precipitately and intemperately.

Lord Holland.

Lord Holland entered largely into a refutation of the objections raised by Lord Sidmouth and Lord Hawkesbury. It was useless to say any thing of times or seasons to those, who avowed, that at any time and always their objections to the principle were unsurmountable. The noble Secretary's elaborate distinction between civil rights and political power was nugatory: political power was the only security for civil rights. He was at a loss to account for Lord Mulgrave's objection, especially as the same Right Hon. Gentleman, who once retired from office expressly, because he could not carry the Catholic Question in a certain exalted quarter, and declared he never would return to office until he could, was then again in power. If the present moment of war and difficulty rendered the time unseasonable for the measure, the moment, in which that Right Hon. Gentleman so quitted office in 1801 was also a moment of war and danger. In answer to an unsurmountable obstacle, which was urged against the measure, on account of the growing power of Napoleon and his connection with the See of Rome, his Lordship read

a passage from Bishop Burnett's history, in which, it is stated, that the policy of King William was always to extend toleration; and one of his strongest reasons for lamenting the severities, to which the Catholics were subjected, was that they tended to augment the power of Louis XIV. then the most powerful patron of the Catholic cause. But so far were our Ministers from granting toleration, that it was their policy to defeat the toleration, which the law allowed of. But until some share of political power were added, the Catholics never could maintain the concessions, which had been made to them, nor rise out of the degradation, to which for want of it they had been let down. That was precisely the moment to convince the Catholics of Ireland, that they could expect nothing from Catholic powers so advantageous and satisfactory, as the liberality and justice of the British Legislature could bestow.

Lord Camden found full reason for opposing the motion in the grounds, upon which the Irish Parliament had negatived the question, whilst he had the honor of being placed at the head of the Irish Government. *And the Bishop of Durham* urged, that the motion could not be acceded to without danger to the Church and State. It would be a direct surrender of the security of the best Constitution in the world; which he trusted would never be done by a British Parliament.

Lord Redesdale vehemently opposed the motion; assuming, that the petition went to claim for the Catholics an equal participation of rights and

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Lord Camden and Bishop of Durham.

Lord Redesdale.

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powers in *Church and State*. To accede to the prayer of it, would, in fact, be to take from the established Hierarchy of Ireland their revenues, and transfer them to the Catholic Bishops: nor would they stop, until they had separated Ireland from England. He insisted, that all the Scots and other Dissenters, who held places under Government, and took the Sacrament* according to the rites of the established Church, thereby became literally members of it. Why should Catholics then be admitted to places and refuse the test, which all Protestants are obliged to conform to? The Catholic Clergy were a most dangerous body in Ireland; they considered the Protestants as usurpers of their rights, and called the Archbishop of Armagh plain Dr. Stuart, and denied him and his brethren any regular succession from the Apostles. His Lordship strenuously inveighed against their assumption of all the titles and dignities corresponding with those of the established Church; and particularly of the power of excommunication, which, coupled with their further powers of penance and absolution, gave their clergy an unbounded influence over the Laity. The Roman Catholic Bishops were, said his Lordship, a body, who tyrannized over the rest of the Catholics differing from all the rest of Europe; nor could any peace be kept in Ireland, so long as they remained unabolished: for to their influence was owing all the misconduct of their flocks. The Catholics of

* Several acts have passed since 1747, for indemnifying those who have not conformed to the test.

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England were, according to his Lordship's observation, the best behaved in their respective countries; and they obtained their indulgencies for their good behaviour. The Irish boasted, that they had acquired their object by energy and perseverance, and would persist in their pursuit till they accomplished their end. If the Catholic hierarchy were abolished, something might be done to conciliate the Catholic body; and to the generality of that body, he was confident, the abolition of the hierarchy would be extremely grateful. He had heard of a province, where the inferior clergy, one and all deprecated the appointment of a Bishop amongst them: and several reputable and intelligent Catholics had assured his Lordship, they would be glad to get rid of their Bishops. Yet one thing was certain, that no information could be had from individuals of their community, so long as the influence of their Bishops prevailed; for they forbade all intercourse with Protestants: and a reputable person had told his Lordship, that he had lately been forbidden such intercourse under pain of excommunication. Wales had given quickly and generally into the Reformation, because the Bible and Common Prayer were translated into Welsh. In Ireland the service of the established Church was performed in English, which the natives did not understand. But, from the nature of their education they were well acquainted with Latin, in which the service of their Church was always celebrated. Wishing to convert as many Irish as possible to the united Church, he recom-

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mended translations of the Bible and Common Prayer, and to have their service and sermons in the Irish language, and then Ireland would soon conform, as Wales had done. Out of 2,400 parishes in Ireland, not more than 600 had residences for their clergy, and not one-third of them had churches: and there are many very excellent and productive livings without a church, glebe-house, or single Protestant; and yet those livings were very eagerly sought after amongst the Protestant clergy, as sinecures. In many such districts, no Protestant but a man of fortune and influence durst take up his abode: and if a Protestant day labourer should venture to come amongst them, he would immediately have his ears cropt. Catholic servants were all in a combination not to live with Protestant servants: on which account not even the poorer orders in Dublin could get their children prenticed out in service, even with Protestant gentlemen; who were therefore obliged to bring them up to handy-craft trades. He again asserted, that as long as the Catholic hierarchy remained unabolished in Ireland, the Irish Catholics never would be amenable to the laws. Those men always did, and always would resist the laws. From them the Catholics should release themselves: but until they cease to be slaves to that body, who made them so, the Catholics were unworthy to participate fully with Protestants the privileges they sought by their petition*.

* Such was the speech of Lord Chancellor Redesdale, by whose advice and councils Lord Viscount Sidmouth congratulated

The Earl of Limerick emulated the learned Chancellor in zealously resisting the motion. He admitted indeed, that the leaders of the late rebellion were Protestants. Mr. Arthur O'Connor had even received Deacon's orders in the presence of the noble Earl's father: but those circumstances were not sufficient to establish with him the innocent intentions of the adherents of the Romish faith. Between two and three o'clock in the morning, the Chancellor proposed an adjournment, which was resisted by Lord Hawkesbury, but at length acquiesced in.

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Earl of Limerick.

On the 13th of May, to which day the Lords had adjourned, *Lord Suffolk* resumed the debate, by answering many of the old objections. He urged, that the whole course of their measures towards the Catholics for a series of years had been only preludes to their final and complete emancipation. If not then granted, it would disappoint the Catholic mind, and he knew little of the human mind, who did not anticipate the most deprecable consequences from the refusal. Though the noble Secretary had denied, that no pledge *in terms* had been holden out to the Catholics at the Union: he defied him or any one else to deny, that a strong expectation was then raised by Government, and universally entertained by the whole Catholic body upon the subject of their emancipation. And had it not been for the implicit acqui-

Earl of Suffolk.

the nation, the Irish Government of Lord Hardwicke was directed.

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escence of the Irish Catholics upon the ground of such an understanding, the Union could not have been carried. What boon had been granted to them since the Union for their support of it? Their taxes had been aggravated, and the greatest part of the army destined for their defence had been sent abroad. He bitterly lamented and deprecated the language of Ministers, that emancipation *never* should be granted to the Catholics; and in answer to their arguments, that any increase of power or of influence allowed to them would be used only in subversion of the Protestant religion, he instanced the Catholic county of Galway, which had lately been in the most tranquil and orderly state, which a very considerable Protestant land owner of that county attributed solely to the judicious appointment of several Catholic gentlemen to the Magistracy.

Earl of
Buckingham-
shire.

Lord Buckinghamshire, like all other opposers of the motion, spoke much of his own disposition to liberality and conciliation; denied that any such pledge for emancipation as had been alluded to, was or could have been given, and deemed it most inflammatory to allege, that the Catholics would be sore or irritated at the refusal of the prayer of their petition.

Lord Carle-
ton.

Lord Carleton urged the same arguments. He added, that the spiritual supremacy of the Church was by the law of this country vested in the Crown*; and surely it was a piece of the highest

* It is to be greatly lamented, that so much error upon this important topic finds countenance from the authority of those,

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contumacy in any sect of his Majesty's subjects to

who have a sort of right to demand submission to their dicta. With submission to that learned Lord, and all other persons, who think with him, that Catholics admit the same supremacy in the Pope, which British subjects allow to exist in the King, the author in full confidence of speaking constitutional and legal language asserts, and will be ready at any time to prove, that no particle of that spiritual supremacy, which the Catholic holds necessarily to reside in the supreme Bishop of the Christian Church, is vested by the laws of the land written or unwritten in the King or first executive Magistrate. It is merely *pontifical* not *regul.* It is that only, which the sound Protestant divine calls the *Power of the Keys*, and cannot fall within the competency of the civil Magistrate. Our present King is the head of the civil establishment of the Protestant episcopalian religion in England and Ireland, as Henry the Seventh was the head of the civil establishment of the Catholic episcopalian religion in England and Ireland before the Reformation: with this only difference, that formerly the Pope had by grant of the nation some civil benefits allowed to him, which under Henry VIII. were by the act of the nation revoked. No Monarch ever pretended, or ever was allowed to have in him, or to exercise the power of the keys, or to partake of the pontifical or episcopal order. He consequently cannot, nor ever could ordain a Priest, administer the word of God or the Sacraments, or perform any pure spiritual function of the sacerdotal or episcopal order. He cannot therefore confirm a Bishop, or institute a Clerk. That being the act, by which spiritual jurisdiction is conferred: it cannot, nor ever was pretended to be drawn from the civil Magistrate. Order and jurisdiction are essentially different: they are both necessary for Church Government: but neither can be drawn from the civil Magistrate. The act of Henry VIII. which regulates the ordination of Priests and consecration of Bishops, gives to the Crown a right of punishing the metropolitan with a *premunire* in case after the election under the *Congé d'Elire* he neglect or refuse to consecrate and confirm the Bishop elect; but it enables not the Crown to do what the metropolitan might have

1805.

deny that supremacy, and to vest the controul in a foreign potentate; more especially one, whom all Europe knew to be under the immediate influence of our common enemy. His Lordship also ascribed much importance to certain* maps and rolls of the forfeited estates, which he said, were circulated and handed down from generation to generation amongst the families of the ancient proprietors, with a view to resumption. If Catholics were once admissible to Parliament, through the influence of the Priests, all the 64 Members for counties, and most of the open Boroughs would

done, but refused or neglected to do: viz. to collate *spiritual jurisdiction* over the diocese: that flowing from the *power of the keys* could not be granted by the civil Magistrate. Whereas by the same act, if the Dean and Chapter refuse or neglect to elect a person under the *Congé d'Elire*, (which is a civil act) the King is by that statute enabled by letters patent to appoint the person to be presented to the metropolitan. So in the inferior Clergy, the Clerk is presented by the patron, to be instituted by his Bishop, who alone can confer spiritual jurisdiction and the cure of souls over any part of his diocese. The only difference between the Catholic and Protestant on this point is: the former holds it necessary to derive spiritual jurisdiction from the universal Bishop, the latter from a metropolitan.

• The late Charles O'Connor of Ballynagare, made a general sketch of a map of the ancient divisions of Ireland before the days of Elizabeth, and specified the names of the general owners of districts, for the private use and satisfaction of a friend and countryman of his own, then a general officer in the Austrian service. Some persons prevailed on Mr. O'Connor to permit the map (or rather sketch) to be printed before he sent the draught to Germany. Hence arose the wicked and unfounded charges of Catholic resumption. The *Petty* survey will be mentioned hereafter.

be represented by Catholics: an unsurmountable objection to the prayer of their petition. 1805.

Lord Hutchinson deeply regretted to hear his Catholic countrymen traduced without ground or reason. Had the assertions made that night in the House to calumniate the Irish Catholics, and ignite one religious sect against the other, been uttered elsewhere, he should without hesitation have pronounced them the most unfounded calumnies. If it were the pleasure of Parliament to refuse the measure, it should at least be done without insult and vituperation to the characters of the loyal claimants, without echoing those calumnies from one House to the other, and charging them with purposes the most criminal, upon conjectures the most vague. The noble Lord had been bred, educated, and had spent the greater part of his life in Ireland, and never had witnessed, or even heard of such fooleries and horrors, as had been retailed by the learned Lord, whom he challenged to verify his assertions by facts. Lord Hutchinson.

Lord Redesdale feeling himself called upon in so pointed a manner, repeated many of his generalities: reiterated his invectives against the Catholic hierarchy, and assured the noble Lord, who last spoke, that all his warmth should not deter him from stating, what he knew to be fact. His Lordship's own servants dared not reside in the interior of the country. Lord Redesdale.

The Earl of Ormond trusted he should not be contradicted by any man, who really knew any thing of Ireland, when he said, that the learned Earl of Ormond.

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Lord had stated, that which was not a fact; at least in the opinion of any man but himself. He could not therefore sit silent and hear the country, to which he had the honor to belong so foully traduced, without rising to contradict such unfounded aspersions upon the national character of Ireland. From the reverend Bench he had heard a liberal argumentative speech: but from the learned Lord he had heard a collection of old women's stories, which he would venture to assert, not the most prejudiced Protestant in Ireland would accredit; and not one of which would be avouched by any independent man in that House. He hoped, when the noble and learned Lord should return to the Bench, on which he presided over the Justice of Ireland, he would divest himself of that violent antipathy against one sect of the people, and that obvious partiality for another, which he had so conspicuously manifested to their Lordships.

Lord Borington.

Lord Borington professing himself friendly to the principles of the petition, hoped the noble Baron, who had introduced it, would not think his objection to the time unreasonable, when he threw back his recollection to a former occasion, on which he very warmly supported his motion for the previous question, upon a measure somewhat similar having been proposed for the adoption of the House. At a period, perhaps not far distant, he might cordially support such a motion. At all events he thought it should be preceded by a voluntary offer from the Catholics, to allow the King

to appoint their Bishops, having been properly recommended by their own parochial Clergy. This would in some sort be a compliance with that principle of our Constitution, which acknowledges the King to be head of the Church. He had no doubt, but that this concession would greatly tend to conciliate the public mind to their wishes. It was then against them, and therefore he must resist the motion.

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The Archbishop of Canterbury urged the impossibility of Parliament's annulling all the principles, upon which depended the security of the Protestant establishment in Church and State. He never would consent to a measure, by which Catholics might come to pass laws for Protestants: or acquire the power of commanding the armies and navies of this country under a Protestant King.

Archbishop
of Canter-
bury.

The Earl of Albemarle was anxious, that the grave character of a Judge, and the advantages of local experience and official duties, should not give weight to the vulgar prejudices and idle tales, which had been retailed to the House by a noble and learned Lord with heat and animosity little becoming the gravity of his situation. He would therefore principally consume the time of the House in refuting the abominable arguments, which the learned Lord had conjured up to support his opposition.

Earl of Al-
bemarle.

Lord Chancellor Eldon warmly opposed the motion on what he called Protestant principles. Yet to say, that the measure *never* should pass, was language not fit to be used by any man, who was

Lord Chan-
cellor El-
don.

1801.

fit to have a seat in that House. If he did not however now oppose it, he should feel that he was not doing his duty; and in so doing he conceived himself acting consistently with that zeal and sense of duty, which he hoped would actuate the majority of their Lordships to transmit to posterity the Constitution in the same purity, in which they had received it from their ancestors. But it was a Constitution, which demanded oaths, tests, and qualifications from those, who are entrusted with parliamentary representation and official power: our liberties were sustained by a system of checks.

*Duke of
Norfolk.*

The Duke of Norfolk said, that notwithstanding the allegations of several noble Lords, that no pledge had been holden out to the Catholics of Ireland at the period of the Union to grant, as a condition of that measure that final emancipation, which the petitioners claimed, he had the strongest grounds to believe, that such an understanding was forcibly entertained. He was therefore for going into the Committee, were it only to investigate the terms, upon which the Union was negotiated. His Grace spoke very fully upon the Catholic Bishops exercising their spiritual functions: and if any thing, he said, could excite amongst the Irish Catholics a disposition to anarchy, it would be the perpetual refusal to admit them to the blessings of a Constitution, in which if once affiliated, every disposition to anarchy or even discontent would cease, and a real union of interests and attachments follow.

The Bishop of St. Asaph disclaiming all illiberality, bigotry, or uncharitableness, opposed the motion in a very long and elaborate speech. He appeared to have been strongly affected by the speech of Lord Redesdale. He never would consent to open to the Catholics political power; which the accession to the prayer of their petition would do. He entered into a learned disquisition concerning the original power and effects of excommunication. But what they called excommunication in England, was not really what the word meant; and his Lordship had always considered the manner, in which it was used amongst them, as little better than a profanation of a most sacred rite of discipline. But if he were to believe the statements of the noble and learned Lord, the excommunication as practised by the Irish Catholics was a still greater profanation of the rite; and an abominable abuse of the power, which Christ has placed in the hands of the Governors of his Church, not to destroy the worldly comforts of men, but for the salvation of their souls.

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Bishop of St.
Asaph.

Lord Ellenborough most strenuously opposed the motion. The only remaining emancipation, which the petitioners were capable of receiving, must be acquired by an act of their own, by redeeming themselves from the foreign* bon-

Lord Ellen-
borough.

* One of the fundamental differences between Protestants and Catholics consists in the necessity of an universal Bishop for the Government of Christ's Church upon earth. And the Roman Catholics would cease to be what they profess from the moment they should have renounced that necessity, and sepa-

1693.

dage and thralldom, under which they and their ancestors had long unworthily groaned; and from which the state, as it had neither imposed nor continued it, had no adequate means of relieving them consistently with the duty of self-preservation, which it owed to itself. His Lordship inveighed vehemently against the usurpation and abuse of power by the See of Rome over the Catholic clergy in Ireland in the performance of rites and ceremonies, particularly that of marriage, from which all civil rights originate, and which it enjoins to be administered by their own Ministers exclusively*; thereby ousting the law of the land, and endangering or destroying the legitimacy of its subjects, and all rights of descent, inheritance and representation founded thereon. To allow any particle of co-ordinate jurisdiction or power to the Catholic hierarchy in Ireland, would be to infringe the 5th article of the Union, which declares, that the continuance and preservation of the united Church as the established Church of England and Ireland shall be deemed and taken to be *an essential and fundamental part of the Union*; and such infraction would substantially destroy and subvert the Union. As long as the faculties of his mind and body should enable him, he would manfully struggle to prevent the admission of persons (owning and yielding, as Catholics did, an-
 rated themselves from the centre of unity, which they hold to be the Chair of Peter.

* His Lordship probably was inattentive to the Irish statute law, by which Catholic marriages are legalized.

imperfect and defalcated allegiance to the State) into the entire and perfect rights of completely affianced subjects.

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The Earl of Westmoreland assumed credit for his toleration and liberality, because he had received the thanks of the Catholic body for the favours granted to them during his Government of that country, and vehemently opposed the motion for going into the Committee. He went over at great length all the hackneyed arguments against the object of the petition. But, said his Lordship, "Let the Union alone: let that great measure alone: let it work, as it has begun the settlement of that country, and let not the operations of that great measure be impeded by bringing the Catholics forward at an unfit season to be made the tool and sport of British factions."

Earl of Westmoreland.

Earl Moira was surprized to hear it said, that the petition tended to throw the torch of discord into the country: he on the contrary was convinced, that if attended to, it would firmly establish that harmony, which was most essential to the country in that moment.

Earl Moira.

Earl Darnley was impressed with the inexpediency of urging the question at that particular time, though convinced, that it was founded in reason and justice, and that it must ultimately prevail. He took a very enlarged view of the subject. He differed widely in opinion from the learned Lord, who had recommended the abolition of the Catholic hierarchy in Ireland. He saw no reason, why the Bishops should not be placed under the protec-

Earl Darnley.

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tion of Government, and why they should not be both nominated by the King and paid by the public.

Lord Auckland.

Lord Auckland professed his most determined opposition to the motion: he scouted the jargon of the term Emancipation: and triumphantly boasted of his now confirmed dissent and regret at the concessions made to the Catholics of Ireland in 1793: and that he had so dissented in common with his worthy friends, the late Lord Clare and Mr. Foster. Those concessions stimulated the appetite of the Catholics for further claims; and in 1795, Lord Fitzwilliam shewed a strong disposition to gratify them to the full extent of their wishes. Happily, said his Lordship, he was not supported by the Government of that day, though composed of the same individuals, who were then urging that very measure, for which they recalled Lord Fitzwilliam from his Viceroyalty. It would ever be a consideration of just pride to his Lordship, that he had borne no small share in adjusting all the details of the Union: and he did not hesitate to declare, that if the concessions now proposed, were in the contemplation of those, with whom he acted at that time, their views were industriously concealed from * him, and from others of their associates. If there were any eventual responsibility in this business, it must fall on the

* Mr. Pitt usually treated his colleagues in Administration, as tools and servants. He consulted them no further than he wanted their submission and assent: but never initiated them into the detail or reasons of his plans.

heads of those, who first agitated a question, of which they must have foreseen the result, if they had duly adverted to the known opinions of the several branches* of the legislature of the whole body of Irish Protestants, and of the general mass of the British people.

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Lord King supported the motion as a measure of wisdom. And *Lord Bolton* from having been formerly in a high situation, (Chief Secretary to the Lord Lieutenant) recapitulated the whole proceedings of the Irish Catholics in their efforts to obtain concessions and relaxations. He deprecated the language of constructive menace, which many noble Lords had resorted to in the course of that discussion, by asserting, that the prayer of the petition *must* ultimately be granted, and that soreness, discord, and disunion would follow the refusal. The object of the petition did not affect the great mass of the Catholic population, but the

Lord King
and Lord
Bolton.

* The anticipated assumption of the opinion of the executive branch of the legislature was unconstitutional and indecent: the sense of the deliberative branches could not be known until the object were submitted to their consideration: the whole body of Irish Protestants was not, like the Orangemen, decidedly against the prayer of the petition. Witness those Irish Members in each House of Parliament, who voted for Lord Grenville's motion, and many of their Protestant friends, relatives, and dependents, as well as many other Protestants throughout Ireland, who were not infected with Orange intolerance and rancor. The mass of the British people, when not goaded into acrimony by enthusiasts, bigots, or persons interested in misguiding their judgments are naturally tolerant: nor would they interpose to obstruct the happiness of their Irish fellow-subjects.

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few, whom the wished-for concessions could affect, had no ground of complaint, as they excluded themselves, by refusing to take the same tests as Protestants. Till the Catholics chose to withdraw that barrier (insuperable whilst it remained in force) of divided allegiance, the obligation to papal supremacy, their Lordships should cover themselves with the shield of self-preservation, and on it exhibit the warning motto of *ne plus ultra*.

Division
against the
motion.

Lord Grenville replied to the most urgent arguments; and upon the division at six o'clock in the morning, 49 voted for going into a Committee, and 178 against it: leaving a majority of 129 against the motion.

Mr. Fox
opens the
debate in
the Com-
mons.

On the 13th day of May, the House of Commons took the Catholic Petition into consideration; when Mr. Fox drew their attention to the pleasing duty* that had devolved upon him, of

* Mr. Fox alluded to the harrassing duties of accusation, which he had lately undergone in the enquiry into the charges against Lord Melville. Whoever views not that exalted character through a jaundiced or corrupt medium, must now at least acknowledge, that there never existed a Statesman and orator of whom it could with equal truth be asserted, that he was an ardent and constant lover of his country, of its constitution, and of mankind. As he lived not to see the completion of the most anxious wish of his heart, and which in every situation he always laboured to promote the security of religious as well as civil liberty, it will be the author's aim to favor his readers with as faithful an epitome of his speech on this important question, as the succinct form of this work will admit of. It is a legacy to every patriot of constitutional, wise, liberal, and just policy. The author, who means to hand down to posterity as faithful a portrait of united Ireland, as he can draw, offers to the im-

1805.

bringing before them a most important subject, which rested entirely on principles of general affection and good will, connected with views that every man must approve, and no man could condemn. He estimated the Catholic body to compose one-fourth of the population of the British Empire, and could he persuade the House to do them justice, he should persuade the House to render a most important service indeed, perhaps the most essential, that remained to be done, or that ever had been done for the security, the greatness, and general weal of the Empire at large, whether with regard to its internal policy, or external relations. Upon the general view, he should think it impossible to raise a serious question, whether a fourth of the King's subjects were to be admitted to an equal participation of rights and privileges with the remainder, and enjoy the full benefit of the Constitution and Government of the Country. The differences upon this subject were theoretical. In practical application, what some called rights, were what others called indulgences.

partial public as the most unequivocal test of his sincerity in the execution of that intent, his cordial subscription to the opinion of some of the most exalted, powerful, and liberal friends of Ireland (consequently of the British Empire). That Mr. Fox, above all men that ever existed, asserted and maintained with the most transcendent force of word and example the principles, upon which the Government under our most excellent constitution ought to be administered for the true and solid dignity of the Crown, and the real security, freedom, and happiness of the people.

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He would consider the question, 1^o, as it regarded the rights of the subject, 2^o, as it affected the rights of the Crown. Those, who composed the society of a State, had a general right to be governed by equal laws, and not to be unequally or at all restricted in any thing, which was not necessary for the safety of the people. *Salus populi, suprema lex est.* Amongst the friends to the Catholic claims, some were for granting them emancipation as a matter of favor from policy. He would give it as a right; because it is the general right of the people, and because there was no exception, which ought to operate against the Catholics of Ireland. Government had a right to impose restrictions, but if there were no necessity for them, then came the right of the people to enjoy the full benefit of the law. No duration of time could add justice to an unjust law. A severe law might have been justly made, and would remain just, whilst the necessary cause for it continued: but from the moment that cause ceased, the law became unjust. Although he generally deprecated all laws attempting to restrain conscience, yet the laws against the Catholics were only pretended to have been justified at the times they were passed, as political, not religious. Here Mr. Fox illustrated his positions by the most judicious and impartial references to the conduct of our Government towards Ireland from the days of Elizabeth, down to the American war; when the public eye was opened to the impolicy of treating the Irish Catholics with such unaccountable severity.

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He always conceived, that to bar a man of his rights on account of his religious opinion was tyranny: nor could it even be justified by the *Salus populi*, which was no ground for preventing a man from enjoying his religious opinion. According to Mr. Burke, the restrictions in Ireland, the ferocious manners of those, who were Protestants, and the insults sustained by the Catholics, had produced a degree of desperation in that unhappy people, which made it doubtful, how far they might be trusted. The effect of the system had been that of changing by degrees the whole property of Ireland; and that country had been brought into a state highly to be lamented. It certainly was a circumstance likely to produce the general disaffection of the people, that the whole of the property was in the hands of the Protestant ascendancy, whilst the mass of the population was Catholic. The relaxation very properly began by enabling the Catholics to acquire property: and the power connected with the free trade and constitution, which was given to the Irish in 1782, had had the happy effect, by producing an increase of Catholic property beyond all proportion greater, than that enjoyed by the Protestants. Since which, the oppressive distinctions between Catholics and Protestants have been greatly softened and corrected. From the time of the acquisition of property by the Catholics, he never had conceived, on what principle their demands were not conceded to them: and least of all, why parti-

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cular restrictions were kept up, when others were abandoned.

Mr. Fox
continued.

The remaining restrictions prevented Catholics from enjoying certain offices civil and military, and from sitting in either House of Parliament. After having detailed the history of the passing of the Test Act, he arrived at this conclusion. That the Test Act was passed, because our ancestors doubted whether Charles II. were a Protestant or not, and because they suspected him of a design to overturn the constitution of his country, as was the case of James II. But was that a reason, why a Protestant King, not liable to suspicion, was to be deprived of the assistance of his Catholic subjects? They had given up the restraint to the Irish Catholics, with regard to the subordinate offices in the army, navy, and law, but they retained it as to the higher: thus completely extinguishing that aspiring emulation, which alone calls talent into full exertion. No man thought of expelling the Catholics from Parliament, till the nation was in a paroxysm of rage and terror, upon the discovery of the Popish plot in 1698, (suppose it to be true or false) when it was believed, that the Catholics were going to massacre the Protestants, when it was expected they were to have the assistance of the King of Spain, and when the ridiculous story of the silver bullets was set on foot. He then shewed, that the Catholics were not excluded from Parliament by reason of their dissenting from the doctrines of the established Church, for Protestant Dissenters

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were admissible to Parliament, and differed from those doctrines, perhaps more widely than the Catholics. Virtual representation in Parliament was unquestionably a vital principle of the constitution; and whilst Catholics were excluded in Ireland, they could not have a real virtual representation in the sense the word representation ought to be understood, implying a sympathy and fellow feeling between the representative and the persons represented. Mr. Fox ridiculed the idea, that Cabinet Ministers, who might happen to differ upon theological questions, would consume the hours of Council in polemical discussions of their religious tenets. He instanced the Duke de Sully, Marshal Turenne, Neckar, and Prince Ferdinand of Wirtemberg, as persons differing in religion from the Sovereigns, who so advantageously employed them in their service. The Pretender being gone, and all radical difficulties removed as to him, Mr. Fox dwelt some time upon the objections raised against the question concerning the power of the Pope, which he treated as utterly absurd. But it was said, Bonaparte had obtained an influence over the Pope, the Pope governed the Irish Priests, and thus Bonaparte would be able to attach to him the Catholics of Ireland. Mr. Fox had no doubt, but that Bonaparte would be very willing to make use of such an engine to serve his purposes in Ireland. But how could he use his influence there? If they would repeal those restrictive laws, there would be nothing to fear from that quarter: but if on the contrary they persevered in their restrictions, the

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way, in which his influence would become formidable, would be this. The Irish Catholics would be told, "An equal participation of rights was holden out to you: but instead of granting your just claims, instead of affording you the relief and protection you were promised, you are still stigmatized as outcasts; you have now therefore only to look to a Catholic Emperor for assistance, and through him you may expect the emancipation, which has been denied you." Of any internal influence of the Pope or Bonaparte over the elections or votes of Members of Parliament no reasonable apprehension could be raised.

Mr. Fox
further con-
tinued.

Mr. Fox then drew a very strong line of demarcation between the spiritual and temporal power. The Catholics swore, that by their doctrine of spiritual supremacy, they allowed no temporal or civil power to the Pope. The Presbyterians no more admitted the King to be head of the Church, than the Catholics. They excluded the Catholics from office and Parliament by oaths, and in the same breath charged them with neither heeding or observing them. They professed to diffide in the loyalty of the lower orders in Ireland, and they entrusted them with arms, and admitted them into the army and navy, and to the rank, to which they would naturally aspire; they confided in the loyalty of the higher orders; they knew, that their fortunes gave them an interest in the country, and their knowledge and information taught them to prefer the Government of it to that of any other; and yet they shut them out of the si-

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tuations, to which their rank entitles them. They placed in the hands of the former the means of insurrection, and they took from the latter the power they might have by their influence to repress commotions. It was a principle of social nature, to require to be placed on a footing of equality with one's fellow subjects, and to the honor of the laws of England, that principle was particularly sanctioned by them. To argue, as some did, that whilst the Catholics were pressed by the whole rigor of the penal code, they were tranquil during the rebellions of 1715 and 1745; but after they had received large concessions, they joined in the rebellion of 1798 to subvert the monarchy and constitution; would against every principle of liberty go to support the cruellest tyranny and most degrading slavery. Mr. Fox ascribed the Irish Union, which was worked into rebellion in 1798 to different causes, such as the French revolution, the mind and energy of those, who felt the grievance of oppression and persecution in the North of Ireland, and the consequences of disappointing the Catholics by the recall of Lord Fitzwilliam, when the cup of expectation was indignantly dashed from their eager lips in 1795. Much stress had been laid upon the sayings of Mr. Arthur O'Connor and Mr. Emmett, that Catholic emancipation and parliamentary reform were not considered by the people of Ireland as of more value than a bit of paper or a drop of ink. But it would also be recollected, that those same persons, who wished to revolutionize Ireland, explicitly ad-

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mitted, that if those measures had been carried, (they apprehended it under the Administration of Lord Fitzwilliam) their intentions would have been utterly defeated.

Mr. Fox in
continua-
tion.

Mr. Fox then adverted to the late measure of legislative Union, which he had always opposed, and had never since found reason to alter his opinion upon it. He readily admitted, that no distinct promise of redress was then made to the Catholics: for no Minister could promise what depended upon the determination of Parliament. But the Right Hon. Gentleman did all he could; he promised to recommend their claims; and they in full confidence of his support, generally gave all the weight* they could command to his proposition for the Union; and Mr. Fox knew several, who felt less kindness for the Catholics on that account. The general persuasion was, that after the Union the Catholic claims would be fully granted: and this persuasion was encouraged by the very Gentleman, who was now understood to be most hostile to them †. It was impossible then, that the

* The predominant interest of the Catholics was certainly in favor of the Union. No public act of the body ever passed upon it. Many Catholics in Dublin entered into very spirited and judicious resolutions against that fatal measure. And several of the most independent and best informed Catholics individually opposed it. Of all the King's subjects the Irish Catholics had eminently the most urgent reason to oppose the Union, by which they lost their own consequence.

† Dr. Duigenan's letter to Mr. Grattan contained the following paragraph. "If we were one people with the British nation, the preponderance of the Protestant interest in the whole

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passing of the Union should not have been considered, by the Catholics as the signal for the redress of their grievances. The printed speech of Lord Sidmouth, published and circulated by authority, confirmed them in that persuasion, by referring to a passage in Dr. Duigenan's letter, in support of the opinion, that no restraints would be necessary after the Union. Some hearty approvers of the measure objected to press it, when there was no chance of success: especially whilst an impression continued in a certain quarter, that to consent to the repeal of the remaining restrictive laws would be an infringement of his Majesty's coronation oath. This weak and wicked doctrine was calculated to produce the greatest confusion, and completely to overturn the constitution. How could the oath framed by Parliament, and administered to King William affect the repeal of statutes passed after he had taken it? And how could the constitution be preserved, should the executive once be prevented from consenting to laws, which the deliberative branches should have advised? If it had been the practice, that nothing should be moved in that House, but such questions, as Gentlemen had a reasonable hope of carrying, the country would have been deprived of most of the laws, which now constitute its greatest pride and boast: for the best measures have in general been first resisted, and have at length succeeded by the per-

"State would then be so great, that it would not be any longer
"necessary to curb the Roman Catholics by any restraints
"whatever."

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severance of those, who had introduced them and the good sense of Parliament. Whilst he gloried in being an Englishman, he never could say, that any thing, which Parliament thinks fit to be done, cannot be done. He never could believe, that any branch of our constitution would forget its duty. He lamented, that an opinion on this subject, should have been circulated, said to have been given by one, who had a legislative voice, but who had no right to pronounce any opinion upon matters pending in that House. His Majesty's lawful authority was one of the corner stones of the constitution, which he would ever exert himself in supporting: but he could not remain silent, when he saw interested persons endeavouring to extend that influence beyond its due bounds. It would be a great and incalculable evil, were it to be established as a maxim in that House, that no person must move any measure, however great its benefits, if it were but once whispered about, that it could not be successful, because another branch of the constitution was hostile to it. He could wish to see any sacrifice made for the gratification of the Crown, except the sacrifice of the welfare and security of the country. The man, who countenanced such a sacrifice, was not a loyal subject, was not one, who loved his King, but one, who flattered him in order to betray him.

Mr. Fox
concludes.

Mr. Fox then touched briefly upon several minor considerations, which he urged as reasons for going into the Committee, and which would not pledge them to the entire concession. He adverted

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to the anomaly of the military and naval services being legal in Ireland, and criminal and penal in every other part of the British Empire. Even in Ireland a Catholic might arrive to the rank of a General, but not a General on the Staff. Catholic soldiers were restricted from the exercise of their religion sometimes in Ireland, and generally in England. Some alterations were also necessary for the regulation of Catholic marriages. There were many other parts of the question, which ought to induce such persons, as thought the petitioners worthy of redress to go into a Committee, whatever their objections to the general question might be. A great portion of their time in the present and last Session of Parliament had been consumed in considering the best means of recruiting the army, and of encreasing our local and disposable force: but he would venture to assert, that no scheme whatever of parish recruiting, limited service, or militia volunteering, could equal the effect of that measure. All those schemes were tardy and trifling, mere rivulets compared to that great ocean of military resource, which would be at their command, were the laws against the Roman Catholics repealed. Now even in violation of the laws they received Roman Catholics into their army and navy: but what might not be expected from the zeal and gratitude of a nation famed for warmth of temper and generosity, fondly exulting in a triumph obtained over illiberality and prejudice? Were that salutary measure adopted, there would be no differences, no discontents: but all

the subjects of the Empire, enjoying equal rights, would join with one heart and one mind in its defence. Although he were not sanguine in believing, that equal rights and equal laws, would be then granted to the Catholics; he yet was sanguine in believing, that many bad consequences, which had been apprehended, would not follow the rejection of their petition. He relied on the affection and loyalty of the Roman Catholics of Ireland; but he would not press them too far; he would not draw the cord too tight. It was surely too much to expect, that they would always fight for a constitution, in the benefits of which they were assured, they never should participate equally with their fellow subjects. Whatever was to be the fate of the petition, he rejoiced at having had an opportunity of bringing it under their consideration, and moved to refer it to a Committee of the whole House.

Dr. Duigenan.

Dr. Duigenan opposed the motion in a long speech, which lasted above three hours; the general spirit and substance of which, was to prove, that by the ancient Councils of the Catholic Church and her invariable doctrine, no Catholic could take an oath, from the obligations of which he could not at the will of the Priest be released; that the Catholics maintained no faith was to be kept with Heretics, and such they considered every denomination of Christians but themselves; and that it was impossible for a Catholic to be truly loyal to a Protestant King. He contended, that the 91 persons, who had signed the Catholic pe-

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tition, did not by any means represent the body of the Irish Catholics; he assumed, that none of the Clergy had signed, because they still maintained the obnoxious doctrines, which the best informed of the Laity wished to renounce. He coarsely abused the late publications of some Catholic writers, particularly Mr. Scully's advice to his Catholic brethren. He contended that the oath of supremacy was a mere simple oath of allegiance, and that it imported neither exclusion nor restriction to any but traitors. He commented largely upon the oath of canonical obedience to the Pope taken by the Catholic Bishops: inveighed fiercely against Dr. Hussey the late titular Bishop of Waterford, for forbidding his flock to send their children to Protestant schools for education, and exhorting the Romish soldiery not to obey their officers in any orders relative to spiritual concerns: for they belonged to the priesthood: and he drew (surely an unwarrantable) conclusion from Dr. Hussey's remarking, that the loss or abandonment of his religion by the Catholic soldier might be felt in the day of battle, that *in plain English, the Romish soldier might then turn upon and assassinate his officer or desert to the enemy.* He insisted, that the measure could not be assented to consistently with the obligation of the coronation oath. He admitted, that many honest men ignorant of the state of Ireland had been duped into an approbation of the measure, and that it was universally supported by all demagogues, republicans and jacobins. He vehemently deprecated Mr. Fox's as-

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section, that the exclusion of Catholics from seats in Parliament was an unjust invasion of their natural rights. In detailing a prospective view of the evils, that would attend the concession of the measure prayed for, he said, the corporation tests would soon be dissolved, when the Romanists were once eligible to fill the great offices in Ireland. It would be impracticable to exclude them from the possession: for such an exclusion would be more galling, than their former disqualification. The Romanists of both countries in Parliament would form a junction, and wring from the Minister the whole civil patronage of Ireland, and secure all the offices for their own sect; so that the whole civil establishment in Ireland would become completely Romish. And who could then secure the continuance of tithes to the Protestant clergy? From some ancient statistical reports of Ireland, he concluded, that the Catholics of Ireland did not constitute above one-eighth of the population of the British islands; that they did not possess one-fortieth part of the real and personal property of Ireland, nor one-thousandth part of the property of the United Kingdom. In fact, said he, they composed the mob and beggary of Ireland, and were not of consequence either in numbers, wealth or power to demand, as the petition did, the subversion of the constitution in Church and State, and the destruction of the Protestants of Ireland for their gratification. It would let in an universal deluge of atheism, infidelity and anarchy. It would admit the Pope's supremacy over the Church of these

realms: it would violate the conditions of both Unions with Scotland and with Ireland: and to tender to his Majesty a bill of that import for his royal assent, would be to insult him by supposing him capable of violating his coronation oath.

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Mr. Grattan rose to defend the Catholics from *Mr. Grattan's* Dr. Duigenan's attack, and the Protestant from his defence. The question for their consideration, was not, as the learned Member had stated, whether they should now privilege or still keep disqualified some few Roman Catholic Gentlemen for seats in Parliament, or certain offices in the State: but whether, they would impart to a fifth portion of the population of their European Empire a community in that, which was the vital principle and strength, and thus confirm the integrity, and augment the power of the Empire. He had emphatically said, that the people of Ireland to be good Catholics must be bad subjects; that the Irish Catholic is not, never was and never can be a faithful subject to a Protestant English King. Thus has he pronounced against his countrymen three curses: eternal war with each other: eternal war with England: eternal peace with France. He fully answered the doctrinal parts of Dr. Duigenan's speech, and concluded, that as the Catholic religion was professed by above two-thirds of all Christendom, it would follow, that christianity was in general a curse: but of his own countrymen he had added, that they were depraved by religion, and rendered perverse by nativity; that is to say according to him, blasted by their Creator

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and damned by their Redeemer. Mr. Grattan closed an animated detail of the evils of the prescriptive system with observing, that if they wished to strip rebellion of its hopes, and France of her expectations, they should reform their policy: they would gain a victory over the enemy, when they gained a conquest over themselves. He then entered into an interesting history of the conduct of Government, of late years towards the body of Irish Catholics. "That government in the Summer of 1792 had sent instructions (he knew the fact to be so) to the Grand Juries to enter into resolutions against the claims of the Catholics. Their leading Minister himself at one of the county meetings took a memorable post of publicity and hostility to them. When the petition of the Catholics was recommended in the King's Speech of 1793, one of the wisest ever made from the throne, he remembered Ministers at first took no notice of that recommendation, and that he had the honor of moving that clause in the address, which referred to that passage in the speech: but the Irish Minister answered the King, and with unmeasured severity attacked the petitioners." In the progress of the bill, that Minister publicly asserted, that as long as the Catholics should adhere to their religious opinions, they never could be loyal, but would ever hate his Majesty and the Government. Nay more—whilst that bill was on its passage, the Irish Government attempted to hang the leading men amongst the petitioners: and accordingly Mr. Bird and Mr.

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Hamil were by their orders, indicted for a capital offence, *defenderism*. They were triumphantly acquitted, and so flagrantly were the suborned witnesses perjured, that the Judge of assize recommended a prosecution against them. Those were amongst the causes, why the repeal of 1793 did not satisfy. In addition to which the Irish Government took care, that the Irish Catholics should receive no benefit, opposing them by their known partizans and dependants in the Corporation of Dublin, when they sought for the freedom of the city, and admission to certain situations, from which they were no longer proscribed by the law of the land. Mr. Grattan then referred to the speeches delivered and published about that time by Ministers and servants of the Irish Government, and persisted in and delivered since. There they would see an attack on all the proceedings of the Irish, from the time of their addresses for free trade, such as were glorious, as well as such as were intemperate without discrimination or moderation. There they would see the Irish Ministry engaged in a wretched squabble with the Catholic Committee, and that Committee replying upon that Ministry, and degrading it more than it had degraded itself. They would further perceive the Members of that Ministry urging their charges against the Members of that Committee to disqualify other Catholics, who were not of that Committee, but who opposed it: so that by their measures against one part of the Catholics, and their invective

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against the other, they took care to alienate, as far as in them lay the whole body. The fact was, the project of conciliation in 1793 recommended in the speech from the throne was defeated by the Irish Cabinet, which was at that time on that subject in opposition: and being incensed at the British Cabinet for the countenance afforded to the Catholics, punished the latter, and sowed those seeds, which afterwards in conjunction with other causes, produced the rebellion.

Mr. Grattan continued.

The same policy, which had made England a great people, would do the same for Ireland. Incalculable was the mischief, which the system of proscription produced upon the country. Irreparable was the injury done to the policy, morals and peace of the country by persecution, and encouraging the little man of blood to raise himself into power and consequence by harassing and vexing his countrymen. Yet was it impossible for one part of society to afflict the other, without paying the penalty of feeling the consequence of its own bad passions on itself*. When the spirit of religious discord descended to the lower order, and the holiday became a riot, and when the petty Magistrate turned chapman and dealer in politics, turned theologian and robber, made for himself a situation in the country formed out of the monstrous lies he told of his Catholic neighbours, fabricated false panics of insurrection and invasion, then walked forth the man of blood, and atrocities,

* A faithful pourtrait of Orangemen.

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which he durst not commit in his own name, he perpetrated for the honor of his King and in the name of his Maker. Much falsehood had been uttered about the incivilization of Ireland. If any thing could delay her perfect civilization, it was the religious animosity kept up by proscriptive distinction. “ Examine, said he, all the causes of
“ human misery, the tragic machinery of the
“ globe, and the instruments of civil rage and
“ domestic murder, and you find no dæmonism
“ like it, because it privileges all the rest and
“ amalgamates with infidelity as well as murder;
“ and conscience, which restrains other vices, be-
“ comes a prompter here. In all this debate, we
“ argue, as if we had but one enemy, the Catho-
“ lic; and we forget the French. I now say to
“ you, as I formerly did to the Irish Parliament,
“ The post you take is unfavourable: a position,
“ that would keep France in check, and Ireland
“ in thralldom, to be held against the power of one
“ country and the freedom of the other.” There were three systems for Ireland: one, such as Primate Boulter has disclosed: a people at variance on account of religion, that the Government might be strong and the country weak: a system, such a one as prevailed, when he (Mr. Grattan) had broken her chain, which made the Minister too strong for the constitution, and the country too weak for the enemy: a system, which one of its advocates had described, when he said the Protestants of Ireland were a garrison in an enemy’s

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country, and which another gentleman had described, when he considered Ireland as a *caput mortuum* : but that system had failed : it ought to have failed : it was a party Government, and a party God. In adverting to the late Parliament of Ireland, he had, he said, a parental recollection of that assembly. He had attended her cradle and followed her hearse. In 14 years she had acquired for Ireland, what they had not obtained for England in a century : freedom of trade, independancy of the Legislature and of the Judges, restoration of final judicature, repeal of a perpetual mutiny bill, *habeas corpus* act, *nullum tempus* act ; a great work. But when the Parliament of Ireland rejected the Catholic petition, and assented to the calumnies uttered against the Catholic body, on that day she voted the Union : and should they adopt a similar conduct, on that day they would vote the separation. He was surprized to see them running about like grown up children in search of old prejudices, preferring to buy foreign allies by subsidies, rather than to subsidize fellow subjects by privileges. He figured them then drawn out 16 against 36 millions, and paralyzing one-fifth of their own numbers by excluding them from some of the principal benefits of their constitution, at the very time, they said, all their numbers were inadequate, unless inspired by those very privileges. Such a system could not last : if the two islands renounced all national prejudices, they would form a strong Empire in the West to check, perhaps ultimately to confound the ambition of the enemy.

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He knew the soundness of the ground, upon which he stood, whether they, whom he constituted his Judges, applied it to constitution, where it was freedom, to Empire, where it was strength, or to religion, where it was light. The opposite principle, proscription and discord, had made in Ireland not only war, but even peace calamitous: witness the one, that followed the victories of King William: to the Catholics a sad servitude, to the Protestants a drunken triumph, to both a peace without trade and without constitution. He reminded them of the rebellion of 1798, when the enemy was mustering her expeditions in consequence of the state of Ireland: twenty millions lost, one farthing of which did not tell in Empire, and blood barbarously, boyishly, and most ingloriously expended. He conjured them to do, what then was in their power: to put an end to the proscriptive system, which was the cause of all those miseries. It would be miserable for them afterwards, should any thing untoward happen, to say, we did not foresee danger: against other dangers, against the Pope, we were impregnable: but if instead of providing against dangers, which were not, they would provide against dangers, which were, the remedy was in their hands; the franchises of the constitution.

The Attorney General (Mr. Percival) opposed Mr. Percival. the motion upon the grounds, that if the Catholics were once admitted to offices of the State, they would soon become the State itself: they would never rest satisfied, till they had recovered the

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whole of that establishment, which they possessed before the Reformation. It was natural: and if he lived in a Catholic country, he should wish and do all he could to establish there his own religion. He strongly insisted, that the motion went directly to infringe the 5th article of the Union. He descanted upon the plenitude of the toleration enjoyed by the Catholics: and asserted, that every other Dissenter from the Established Church was excluded equally with the Roman Catholic *. He remarked the indisposition of the House to listen to him: which he was not surprized at: for he was conscious, that after the blaze of Mr. Grattan's eloquence, every thing which fell from him must appear vapid and uninteresting. Had he been in the Irish Parliament, he never would have consented to grant the elective franchise, nor the establishment of Maynooth for educating the Catholic clergy.

Mr. Alexander.

Mr. Alexander, though not insensible to the powers of Mr. Grattan's eloquence, would not be awed out of the duty he owed his own conscience, the Crown, and his country. But he could not forget, that he often witnessed those talents employed successfully in beating down the laws and constitution of his country. Upon a general burst of indignation at hearing such an assertion, Mr. Alexander explained; by not attributing the effects

* It is impossible to conceive that Mr. Percival could then have been ignorant, that Protestant Dissenters always were admissible to Parliament: and that in Ireland the sacramental test had been long abolished in their favour.

produced by his eloquence to any intention in Mr. Grattan: but he had painted the physical powers of the country and their imaginary grievances in such glowing colouring, that the people thought they had just motives for rising, and strength to accomplish their object. And that Hon. Member's conduct and sentiments prevented his taking any share in putting down that rebellion; or manifesting any active loyalty, or exposing himself as other gentlemen did to common exertions, common inconveniencies and common dangers. He felt it therefore his duty on the present occasion to withstand all impressions made upon his mind by the talents and reputation of Mr. Grattan. He spoke at great length, travelled over the old field of doctrinal objections, minutely detailed the effects of excommunication, and maintained that *papestry* was at that hour more formidable in Ireland, than it ever had been. Upon frequent importunate cries for the question, the House adjourned at three o'clock.

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On the 14th of May, *Mr. Wm. Smith* opened the adjourned debate: he rested his arguments in favour of the motion upon the abstract rights of religious freedom of conscience, the political justice and necessity of the measure, and the flagrant and malicious falsity of the calumnies uttered in that debate against the Catholic body. In answer to all the attempts to impeach their loyalty and shake their credibility on oath, he held in his hand a book containing a list of 2000 Catholics, who refused to take an oath prescribed for them to Go-

Mr. Wm.
Smith.

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vernment, which they could not reconcile to their consciencies : and preferred every species of penal proscription and exclusion, to which the refusal exposed them. An irrefragable proof of their conscientious veracity.

Mr. Lee.

Mr. Lee thought the application ill timed, though he should vote for the motion : as he would for the repeal of the test to the Dissenters in England, should any Member move for it. He conceived, that the Pope by appointing the Catholic Bishops in Ireland, possessed more power there, than he did in other Catholic countries, where the Sovereigns appointed their Bishops. That he conceived was maintaining a supremacy, which of right belonged only to his Majesty. He had sanguine hopes, that if the prayer of the petition were granted, the Roman Catholics would cheerfully give up that point, as well as make whatever other reasonable sacrifices the circumstances of the case might be thought to require : for he must maintain, that they could have no right to seats in Parliament, whilst they continued to take their Bishops from the hand of any foreign power*. He exposed the vulgar error, under which Dr. Duigenan had spoken of certain maps being preserved by the Catholics, by which they could trace the boundaries of the estates once possessed by their

* The reader is here reminded of the note, p. 100, and referred to what is said hereafter upon the question of the *veto*. That spiritual supremacy of the Pope was the only difference in the national religion introduced by the Reformation of Henry VIII. and those were the only true Roman Catholics of this country, who did not give into that Reformation.

ancestors, in the expectation of an opportunity of reclaiming them. The fact was, that the map of all these forfeited lands was kept by the Auditor in the Castle of Dublin, and was accessible to every man, who chose to inspect it, and was daily produced in the Courts to ascertain disputes respecting boundaries. That map was drawn by Sir Wm. Petty, after the old one had been taken away by King James II. and carried into France, whither General Vallancey was sent some time since by Government to procure a copy of it: it is comprized in 24 folio volumes.

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Sir Wm. Scott strongly opposed the motion, which went to infringe the fundamental maxims of our glorious constitution. A Protestant King surrounded by Catholic Ministers would be a solecism in fact as well as in law: for there must be a perpetual contradiction between the duties of the one and the other. It was an important function of the great officers of State to attend with zeal and vigilance to the protection of our Church establishment, but that obligation could not be discharged by those, who deemed it to be absurd, pernicious, profane and fanatical. He adverted to Mr. Grattan's intimation of the danger of a separation of the Sister islands, if that motion were rejected. *Mr. Grattan* in explanation said. If the Parliament assented to the calumny propagated, that the Catholics were traitors to their King and country, it would lay the foundation of such a separation. It was not the rejection of the petition,

Sir Wm.
Scott.

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but the adoption of the calumny, to which he had adverted.

Dr Lawrence.

Dr. Lawrence said, he most conscientiously voted for the motion, and confided, that the decision of the House would be worthy its liberality and honorable to the character of the Parliament and of the country. In a very luminous speech he entered into a minute refutation of the arguments, and exposed all the distorted, garbled and false quotations of Dr. Duigenan, both from the ancient councils and authors, and from the modern works of Catholic writers*. He was induced to advert particularly to those points in Dr. Duigenan's speech, because from the nature of his professional pursuits he had occasion to attend to such subjects, and it was unlikely, that other gentlemen should be familiar with them.

Mr. Foster.

Mr. Foster could not give a silent vote consistently with his former conduct in Ireland. Political power was the sole object of the petitioners: for in every thing else, they were upon a par with all their fellow subjects. They had heretofore coupled *Parliamentary Reform and Catholic Emancipation* as the two watch words, which ended in rebellion. Should some score Catholics by the vote of that night find their way into the Imperial Parliament, and afterwards feeling their inferiority in an assembly of 658 Members, they would rapidly augment their strength by new political recruits, and endeavour by a repeal of the Union to

* Particularly Dr. Milner, Dr. Troy, and Mr. Plowden.

re-establish the Irish Parliament. Then 300 Catholic Members elected by the majority of the Irish population would resume their functions, and quickly put down the Protestant ascendancy, which could not be supported without the close Protestant boroughs. Under the Union Act, by compact the Protestant boroughs were suppressed; and a compensation of 1,400,000*l.* paid to Protestant owners, and not one shilling to Catholics. The consequence would be, that popular elections would prevail. In such case he left gentlemen to judge how long the security would continue for the Protestant establishment in Church and State, and the connection between the two countries. If this were the only objection, he should think it quite sufficient. He felt the full force of those consequences to be apprehended from such a measure, and he trembled * for the separation of his native country from that connection with England, deprived of which he was convinced she would be neither prosperous nor happy.

Mr. George Ponsonby observed, that one part of *Mr. Foster's* speech completely answered the other. It was ridiculous and contemptible to hear gentlemen argue, that there must be danger to the constitution, in permitting some Catholics to obtain seats in Parliament. He indignantly resented the foul calumnies and misrepresentations of his countrymen, which he had heard in that House, and heard of in another place. Their character

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Mr. Ponsonby.

* These sentiments were singular from the mouth of *Mr. Foster* the *Antiunionist*!!!

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was the direct reverse. In proof of that, he urged that those, who had given this character had before, and would again return to Ireland, and walk in the most perfect security in every part of it : and he defied any person living to prove a single instance, in which the people, who had been thus degradingly traduced, had ever expressed the least personal resentment, or inflicted any personal vengeance on them. In speaking of the body of the Irish Catholics, he said. There never was a race of men in Europe, who had preserved so much of what was good under so much oppression. “ I know them well : and I know at the same time, that whatever there is good in them, they owe to themselves : whatever is bad in them, they owe to you. Yes, Sir, I will say, it is owing to your bad Government. I have many friends and near connections in this country, for whom I feel the highest respect and most affectionate regard. I love this country, and would do every thing in my power to serve it, but I will not flatter it. You have governed Ireland badly. That country has long appeared to you in the light of what is called a *bore*. You have viewed it as a *cast off*, not worthy your notice or regard : and so Ministers get rid of the trouble of it, they care not how.” He was surprised, that the petitioners were Catholics. He thought the Protestants ought to have voluntarily brought it forward. It would have produced the happiest effects, and have shewn a confidence highly honorable to them. “ Power is in itself at

“ all times dangerous: but when you suffer one
“ sect to lord it over another, you cannot wonder,
“ that the feelings become warm and animated,
“ and discontents and jealousies are the conse-
“ quence.”

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The Chancellor of the Exchequer (Mr. Pitt), Mr. Pitt, was favourably disposed to the general principle of the question, but differing in many points from those, who had introduced and supported the motion, he thought fit to observe, that he had never considered the question, as involving any claim of right. *Right* was totally independent of circumstances: *expediency* included the consideration of circumstances, and was wholly dependent upon them. Upon the principle of expediency he felt, that entertaining as he did, a wish for the repeal of the whole penal code, and a regret, that it had not been abolished, he felt, that in no possible case before the Union, could those privileges have been granted to the Catholics with safety to the existing Protestant establishment in Church and State. After that measure, he saw the matter in a different light: and though certainly no pledge were ever given to the Catholics, that their claims should be granted; yet he had no hesitation in repeating, what his speech in 1800 for the Union (which he admitted to be a genuine record of his sentiments) imported: that if it were found right to grant the Catholic claims, they might be then granted with more safety to the Protestant interest, or rejected with less danger to the tranquillity of Ireland, than if that country had continued

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under a local legislature. An united Parliament might so grant the boon, as to render it safe to the country, effectual to those, who should receive, innocent to those, by whom it should be conferred, and conducive to the strength, unanimity and prosperity of the Empire. Such had been, and such were his sentiments. If from a concurrence of circumstances it were then expedient to grant them, and by a wish he could carry that measure into effect, he saw no rational objection, nor did he entertain those fears, which others expressed of danger from it to the establishment in Church and State. He thought at all events, that the concessions to the Catholics, should be accompanied with new checks and guards for the established constitution: checks not applying to the Catholics *as Catholics*, with such tests as would be a security against the principles, on which the rebellion had originated. It seemed also expedient, to provide some guards against the evil influence, which the bigotry of Priests might prompt them to exercise over the lower orders. For that purpose he was desirous, that measures should be adopted to conciliate the Priests themselves with the Government, by making them in some degree dependent upon it, and thus rendering them links to connect the Government with the lower classes of society, instead of being the means of separation and agitators, who by infusing their prejudices would divide the Catholic from the Protestant, and alienate him from his duty. Thus would the Catholics be satisfied, and the Protestant's safe. Such were his

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general views of that important subject: and had it been possible to obtain that general concurrence, which was necessary to carry such a system into effect with the assistance of abler men to digest and mature it, instead of weakening, he was confident it would have encreased the security of the establishments in Ireland both of Church and State. But he stated those measures, not as the result of any pledge; though he readily admitted, they were the consequences of the general reasoning urged in favor of the Union, and that a very natural expectation was entertained, that the measure would have been immediately brought forward after the Union. He spoke for himself alone. Others must judge, respecting their own conduct for themselves. He did not feel himself called upon to make any more detailed explanation, than he formerly had. He never could, whilst those circumstances existed, to which he had very intelligibly alluded, become a party to the agitation, far less to the pressing of a measure, to the success of which there was *irresistible obstacle*. Should the question not be carried, and he saw no probability, that it would, the only effect of agitating it, would be to excite hopes which would never be gratified, and to give rise to expectations, which were sure to terminate in disappointment.

He next took another line of argument. They were anxious to conciliate the Catholics, but let them not in so doing irritate a much larger portion of their fellow subjects. Whilst they drew together the bonds, which united one class of the

Mr. Pitt
continued.

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population, let them not give offence to another part of it, whose loyalty and attachment had long been undoubted. He should disguise the truth, if he did not say the prevailing opinion against the petition was strong and rooted. He applied to Mr. Grattan, the splendour of whose eloquence he extolled, to answer, what would be the result of agitating the question. The supporters of it had contended, that if there were any circumstances arising out of religious opinions, which inflamed the Catholics in the rebellion of 1798, they were solely attributable to the disappointment of those hopes of emancipation, which Lord Fitzwilliam had encouraged. The anticipation of the like consequences, made him lament the agitation of the question at that moment. He should therefore act contrary to all sense of his duty, and inconsistently with the original line he had marked for his conduct, were he to countenance that petition in any shape, or to withhold giving his negative to the proposition for going into the Committee.

Mr. Wyndham.

Mr. Wyndham considered the question to be a natural and immediate consequence of the legislative Union: and one, to which the Catholics of Ireland were certainly taught to look forward in the course of all the arguments used in favor of that measure, both in and out of Parliament. He had long been convinced, that by that measure alone the great union of Protestant and Catholic could be brought about. He had originally strong objections to the measure of Union, and he became reconciled to it only upon the idea, that all disabili-

lities attaching on the Catholics were to be removed, and that the whole population would thus become united in interests and affections. But finding impediments raised to the measure stronger, than he had apprehended, he relinquished the Administration, because he thought the measure indispensable to the safety of the Empire: and he had seen nothing since to make him change his opinion. Mr. Pitt had avowed, that his opinion was then the same: and surely if it were expedient in 1801, it was incalculably more so, at that moment. No great measure could be expected to be adopted unanimously, especially if any religious prejudices were to be combated. He denied the fair sense of the British nation to be against the measure; and lamented, that a factitious cry had been raised against it by some interested and dependent persons and mercenary newspapers. He deprecated and solemnly protested against Mr. Pitt's arguments as unparliamentary, unconstitutional and dangerous: and professed his firm resolution to persevere in that object, which he considered best calculated for the safety of that very Protestant establishment, to which it was said to be inimical: he had the strongest hope, anxiety and confidence, that the period was not far remote, when that House would see the justice and sound policy of conceding that salutary, wise and beneficent measure.

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Sir John Newport rose to submit to the House a very strong case in point, which would put the

*Sir John
Newport.*

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matter in a new light, and open untrodden ground of precedent. The States of Hungary resembled our constitution more closely, than any other continental establishment. They formed a population of above 7,000,000, and had for centuries suffered all the evils of being divided by religion, distracted by the difference of their tenets, and restrictions on account of them. At length in 1791, at the most violent crisis of disturbance, a Diet was convened, at which a decree was passed, by which full freedom of religious faith, worship and education was secured to every sect without exception. The tests and oaths were rendered unobjectionable to any native Hungarian, be his religion what it would: and then came the clause, which gave them precisely what these petitioners have in contemplation. That "the public offices and honours, whether " high or low, great or small, should be given, to " natural born Hungarians, who had deserved well " of their country and possessed the other requisite qualifications, *without any respect* to their " religion." That Diet consisted of nearly 400 members, with a splendid civil establishment for the Roman Catholic religion. The measure was adopted in a most critical moment, and it had successfully passed an ordeal of 14 revolutionary years, equal in fact to the trial of a century less disturbed and agitated. That falsified the assertion made in the petition from the city of Dublin, that the Irish Catholics were placed on a footing of political power not enjoyed by any other Dis-

senters from the established religion in any other State of Europe.

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Mr. Maurice Fitzgerald supported the motion : *Mr. M. Fitzgerald.* and solemnly declared, that when he voted for Union in the Irish Parliament, it was in view and contemplation of that measure : for no man could deny, that the impression then made on the Catholic mind, was, that Ministers as well as Opposition were in favor of their claims. They expected of course, that much more attention would be paid to them now.

Colonel Archdall asserted, that the bulk of the Roman Catholics was not anxious about the result of the question : if the cause were a good one, it had been very ill conducted : and he gave the motion his decided negative. *Colonel Archdall.*

Hon. H. Augustus Dillon denied, that the question involved a party measure. It affected the safety of Ireland and the vitality of the Empire. The hearts of the Irish people had been alienated by martial law and the suspension of the *habeas corpus* act, and by other severities and oppressions. Were that measure allowed to pass, such expedients would cease to be necessary, and the mass of a brave and grateful people would present a firm, an iron bulwark for the protection of the country against the designs of the enemy. *Mr. Dillon.*

Mr. Shaw said, that painful as it was to him to oppose the motion, he must do it in obedience to the instructions of his constituents (the citizens of Dublin). With them he was embarked in one

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bottom. He deprecated any idea hostile to the interests of his Catholic countrymen, or doubtful of their loyalty: yet he would remark, that the petition certainly held out an indirect threat, that if the prayer of it were not acceded to, the enemy might not look in vain for the aid of disaffection should the occasion offer. He wished all civil distinctions to be done away in his country: but that could only be, when the Catholic should be relieved from the odium and suspicion derived from his foreign connections and influences, and when the directing head of his Church should not be the instrument and slave of that sanguinary despot, who is the implacable foe of the constitution and liberties of the Empire.

Mr. H. Addington.

Mr. Hiley Addington attempted to explain a quotation made by Mr. Fox from a speech of his brother (Lord Sidmouth) on a former occasion: and added, that this was a call for a revolution in the repeal of some of the wisest laws of the land.

Mr. J. Latouche.

Mr. John Latouche differed from a great part of his constituents in supporting the motion: being convinced, that it would tend to confirm the establishment, and strengthen the foundations, upon which the security of the Empire rested.

Sir J. Cox Hippesley.

Sir John Cox Hippesley by way of meeting the objections of those, who opposed the motion upon the ground of its incompatibility with the coronation oath, mentioned, that the constitution of Corsica, as ratified by his Majesty, stipulated, that the Roman Catholic religion in all its evangelical purity (such were the words of the act) should be

the only national religion of Corsica, and all others tolerated: and that Parliament should concert the discharge of the functions of the Bishops with the See of Rome. His Majesty also in the year 1794 appointed Mr. Mac Donald a Roman Catholic Priest, Chaplain to a Catholic Fencible Regiment raised in Great Britain.

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Lord De Blaquiere opposed the motion as calculated to injure the highest interests. It would either produce union, happiness and peace, or deluge the streets with blood.

Lord De
Blaquiere.

Mr. C. H. Hutchinson supported the motion and vindicated the character of his traduced countrymen. Mr. Hawthorne lamented, that the question should be agitated without a prospect of success; he however would vote for the motion: convinced, that the compliance with the prayer of the petition was essentially necessary to the peace and repose of Ireland, the stability of the Union between the two countries, and the safety and security of the Empire at large. Sir W. Dolben opposed the motion. He admitted, that the balance of talent and ingenuity were in favor of the petition: but the force of argument and public principle against it.

Mr. C. H.
Hutchinson,
Mr. Hawthorne, and
Sir W. Dolben.

Mr. Fox closed this important debate with his reply. As to the time of bringing forward the petition, he had no defence to offer, whatever imputation might be brought against him. There was no time of his life, when, if any sort of men applied to him to support a petition in favour of religious liberty, he would not comply with their

Mr. Fox.

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request. If Mr. Pitt's opinion were to be followed, and if every thing were to be considered a *party trick*, as he had termed the bringing forward that measure, because it was not expected to be attended with success, the constitution would be rendered singular indeed, and the whole of his (Mr. Fox's) life would have been in repugnance to his opinions and the constitution of his country. He pointedly remarked, how materially Mr. Pitt's conduct differed in 1805 from what it had been in 1801. Yet he would have the Catholics believe, he still retained all the same opinions and sentiments in their regard now, that he had accepted of place, as when he declared, that on that account he could not hold it. But when the Catholics had been forced to believe, he had changed his mind as well as his conduct, they went to Mr. Fox; and because they had done so, they were charged (most unhandsomely) with having made themselves the allies of a party. What was to become of the constitution, if independent members of that house, representatives of the people of England, the first nation on earth, were to be excommunicated in their political capacity for the performance of a duty adverse to the sentiments of those ministers, whose conduct they condemned: if millions were to be stigmatized as allies of a party, because they applied to such members for the establishment of their undoubted rights, privileges and immunities civil and religious, denied to them by those ministers, who bught to be foremost in granting them. What could be more fatal, than the well founded

conviction of above three fourths of the population of Ireland, that there was not a man in England, who sympathized with their sufferings, or who was inclined to exert himself, in order to obtain redress of them? He hoped the Catholics would not reason in this manner: We have no friends in England, therefore we must look elsewhere. Some have said: Let us finish the question *for ever*. When, he asked, was it known, that such a question could be finished for ever? *Man and for ever*. Mr. Fox then took a retrospective view of the conduct of the Irish Parliament in 1791, and the two following years, and also of the American war, and drew pointed conclusions from the results of all those transactions, as they differed from the heated and inconsiderate and intemperate speeches and conduct of the members of those days, when first opened.

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Mr. Fox lamented he could not have the benefit of Mr. Pitt's vote, yet he rejoiced, that he had the advantage of his discountenancing what, he must feel, reflected as much honor on his principle in 1801, as disgrace in 1805. His vote would have been a benefit to his country, but his speech was of more advantage. It was of consequence, that in England, Ireland, and every part of the empire, it should be known, that the opinion of men in power, or likely to be in power, or whose authority or interest was looked up to with confidence, as favourable to the cause, to which the vote of the Right Honourable Gentleman was adverse. He wished he could have had his vote; but he thank-

Mr. Fox
continued.

1805.

ed him for his argument. He admitted that some respectable bodies had differed from him in opinion, but he did not admit, that the sentiments of the public were adverse. The claims of the Catholics were not only consistent with the principles of the constitution, but consonant with its vital spirit. The crisis demanded that *toto certandum est corpore regni*, which could not be, when so large a portion of the *corpus regni* was deprived of the privileges, which they ought to enjoy; and without which, to them the country was nothing. They boasted, that they should be able to make exertions against the enemy, which the subjects of arbitrary power could not be expected to make, because they were fighting for laws, that were their own laws, for a constitution, that was their own constitution, for those rights and sacred immunities, which no other country under heaven possessed the advantage of fighting for. This applied not to the Catholics, who possessed not those advantages. Government was thus reduced to the expectation of no other, than comparative exertion from that body. Nay, worse: In the debates two years ago, when the Secretary of War (Mr. Yorke) brought in a bill for raising an army *en masse*, after he had detailed the advantages of it to Great Britain, he very intelligibly observed, that it was not thought expedient to extend the plan to Ireland. In the *levy en masse* in England, they looked to the best security, because the people were generally admitted to their constitutional rights. In Ireland, where they were

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excluded from them they saw danger. In debating the bill for promoting our military force and national defence, when a statement was made of the military force then in Ireland, a circumstance was referred to, and passed then without observation; that certain corps of the army were of peculiar utility to the country, because there were no *Irish* among them, and on that ground they reckoned two or three regiments as valuable as four or five. Apply that, said Mr. Fox, to England, or to any other country, that is well governed. Will any body say, that our military force was strong, because it consisted of foreigners? Or that it was weak, because it was composed of Englishmen? He enlarged much upon this ground, and reduced it to this syllogism. Every man is to be depended upon in proportion, as he is interested in the constitution: but Englishmen are most interested in this constitution, therefore Englishmen are most to be depended upon. Applied to Ireland, the *minor* would be, but Irishmen are the least interested in the constitution, and the conclusion would necessarily be, therefore, Irishmen are the least to be depended upon. He then considered the arguments of those, who spoke, as if the maintenance of the doctrine of the Church of England were necessary to sit in Parliament, and to enjoy place. The Dissenters differed from the Establishment in doctrines as much, if not more, than the Catholics did. Here they sit in Parliament, and in Ireland they were admissible to places; for there was no Test Act. In the reign of Ann, bills of occasional con-

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formity were passed; and under the first many Dissenters took the sacrament, to shew their disposition in favour of the Established Church, however they might not agree with parts of the liturgy. Thus then even taking the sacrament did not prove a man to be a supporter of the Church of England. Might not a man take the sacrament, and yet consider the liturgy of the Church of England, as the most consummate bigotry? According to Sir William Scott's argument, the exclusion of Catholics from Parliament, and the existence of the Test Acts were the constitutional support of the Church of England. What then was the state of the Church of England in the reigns of Elizabeth, of James I. and Charles I.? Were not these princes heads of the Church, as effectually as his present Majesty? Did not Charles I. fall a martyr to the Church of England? Did not the Book of Homilies absolutely condemn whatever took place at the time of the Revolution of 1688? Did not Sacheverell, upon the authority of those Homilies, attack and stigmatize that great proceeding as impious, and utterly destructive of the Church of England? Did not the university of Oxford pass a decree in 1683, against limiting the government, describing it as one of those things, which lead to Atheism? To use a homely phrase, he warned those not to throw stones, whose eyes were made of glass. He lastly noticed, that Mr. Percival had said: that if he were a Catholic in a country, where the Protestant Church was established, and he had the power, he would exercise it to weaken that es-

establishment. Mr. Fox had too good an opinion of him to think he would. If every man were to conceive himself at liberty, because he differed from the established religion of a country, to attempt to overturn it, the general tendency of such a principle would be to destroy all peace in the world. He did not believe any good Catholic would so act. He was sure no good subject, who loved his country, ought so to act.

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At half past four in the morning, the question upon Mr. Fox's original motion was negatived by a majority of 212, there having been, on the division, Ayes, 124, Noes, 336,*

* Conceiving it to be a matter of no slight moment to the Irish nation, to know, who have stood forward in their interests, we subjoin the following lists of the peers and Irish commoners who voted on the question :

LIST OF THE PEERS

WHO VOTED FOR GOING INTO A COMMITTEE ON THE IRISH ROMAN CATHOLIC PETITION.

Dukes. Norfolk	Earls. Lucan,
Somerset	Bessborough
Devonshire	Viscounts Hereford
Grafton	Maynard
St. Albans	St. John
Bedford	Lords. Say and Sele
Marquisses. Buckingham	Clifton, E. Darnley
Stafford	Walpole
Headfort	King
Earls. Derby	Montfort
Suffolk	Holland
Carlisle	Stawell
Albemarle	Foley
Oxford	Thurlow

1805.

Renewed
prosecution
against
Judge Fox.

The force of temperate reason and argument in

Tankerville

Ashburton

Cowper

Rawdon, E. Moira

Fitzwilliam

Grenville

Leicester

Ossory

Spencer

Dundas

Thanet

Yarborough

Guilford

Cawdor

Kellie

Minto

Glandore

Butler, E. Ormond

Eglintown

Carysfort

Breadalbane

Landaff

Clanricarde

Clifden

The late hour prevented Lords Egremont, Carharvon, Stair, Hutchinson, De Clifford, and others from voting.

LIST OF THE IRISH MEMBERS

IN THE HOUSE OF COMMONS WHO VOTED IN THE MAJORITY
AGAINST THE CATHOLIC QUESTION.

Acheson, Hon. A. Armagh co.	Knox, Hon. George, Trinity
Archdall, M. Fermanagh co.	College, Dublin.
Archdall, Richard, Dundalk	King, Hon. Edward, Roscom-
Boyle, Viscount, Cork county	mon county
Burroughs, Sir W. Enniskillen	Longfield, M. Cork city
Bagwell, J. Tipperary county	Leslie, C. P. Monaghan co.
Bernard, Thomas, King's co.	May, Edward, Belfast
Chinnery, Sir B. Bandon	Macnaghten, E. A. Antrim co.
Castlereagh, Visc. Down co.	Neville, R. Wexford town
Canning, Rt. Hon. G. Tralee	Ormsby, Charles, Carlow tn.
Clements, — Leitrim co.	Pole, Hon. W. Wellesley,
Dulgenan, P. Armagh city	Queen's county
Falkiner, John F. Dublin co.	Ram, Abel, Wexford county
Foster, Rt. Hon. J. Louth co.	Rochfort, G. Westmeath co.
Fostescue, W. C. Louth co.	Sneyd, Nath. Cavan county
Fetherstone, Sir T. Longford	Savage, Francis, Down county
county	Sudley, Visc. Donegall county
Hardman, Edw. Drogheda	Shaw, R. Dublin city

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Hill, Sir G. Londonderry city	Stewart, Hon. C. W. London-
Hamilton, Sir C. Dungannon	derry county
Hamilton, Hans, Dublin co.	Stewart, Right Hon. Sir John,
Jones, T. Tyrwhitt, Athlone	Tyrone county.
Jones, Walter, Coleraine bor.	Stewart, James, Tyrone co.
Jephson, Denham, Mallow	Tottenham, C. New Ross
Keane, Sir John, Youghall bor.	Vereker, C, Limerick city

LIST OF THE IRISH MEMBERS

IN THE HOUSE OF COMMONS WHO VOTED IN THE MINORITY FOR
THE CATHOLIC QUESTION.

Bagnell, W. Carlow county	Hawthorne, C. S. Downpatrick
Burton, Hon. F. Clare co.	Latouche, D. Carlow county
Butler, Hon. J. Kilkenny co.	Latouche, R. Kildare county
Butler, Hon. C. Kilkenny city	Latouche, P. Leitrim county
Bligh, T. Meath county	Latouché, J. Dublin city
Caulfield, Hon. H. Armagh co.	Lee, E. Waterford county
Crosbie, J. Kerry county	Matthew, Right Hon. Viscount
Corry, Right Hon. I. Newry	Tipperary county
Dillon, Hon. A. Mayo county	Marin, R. Galway county
Fitzgerald, Rt. Hon J. Ennis	Newport, Sir J. Waterford city
Fitzgerald, Right Hon. M.	Odell, W. Limerick county
Kerry county	O'Brien, Sir E. Clare county
French, A. Roscommon county	Ponsonby, Right Hon. W. B.
Greene, Wm. Dungaryan bor.	Kilkenny county
Hume, W. H. Wicklow co.	Ponsonby, G. Wicklow county
Hutchinson, Hon. C. H. Cork	Somerville, Sir M. Meath co.
city	

The Right Hon. D. Browne, Member for Mayo, was taken suddenly ill, and unable to attend the House.

Lord George Beresford, Member for Londonderry County; and the Right Hon. John Beresford, Member for the County of Waterford both voted, but we have not been able to ascertain upon which side,

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so powerful an effect upon the public mind, even in despite of the great majority of parliamentary votes against it, that the deputies returned to Ireland, under the gratifying conviction, that the numerical triumph of the minister had rather forwarded, than retarded the progress of their cause with the empire at large. The Parliament was still pressed with Irish matter. The Marquis of Abercorn was indefatigable in his persecution of Judge Fox. His Lordship's pride and resentment were stimulated by the ferocious and blind sympathies of the interested tools of the system, which the integrity and firmness of the judge exposed and punished. It is difficult to say, whether the malice or rashness of the judge's persecutors were predominant. It was matter of notoriety, that the whole of Lord Abercorn's parliamentary interest had been devoted to Mr. Pitt, on the special condition of his being allowed the aid and countenance of the minister in crushing the upright judge, who had virtuously dared to make head against the system. As the minister had artfully avoided making it a government question, he assumed no responsibility for the irregularities and inconsistencies of the proceedings up to the present time. The more they were impartially considered, even by the most obsequious tools of the system, the more unconstitutional in principle, and unwarrantable in practice did they appear. Nearly two years had now elapsed, since the original ground of the alleged offences had existed, and after the great variety and rancorous nature of the proceedings in Parlia-

ment against the learned judge, without having afforded him any opportunity of defence, or even explanation, the Marquis was advised to abandon his former proceedings, and recommence almost *de novo*. He was advised, that the regular mode of proceeding was to address his Majesty for the removal of the learned judge from the bench; and when he moved such address accordingly, the House resolved itself into a Committee, to which all the several petitions and charges made against him were referred. Lord Chancellor Eldon warmly espoused the cause of the Marquis, supported the proceedings, and gave him the friendly advice to omit all the charges, which could not be brought home to the learned judge in his judicial capacity; which was effected. As some progress was made under this renewed process, several witnesses were examined on behalf of the prosecutor, and much matter of falsehood and misrepresentation found its way to the records of that high tribunal, to the prejudice of the learned judge, who had no opportunity of repelling the charges, of refuting the falsehoods, or of exposing the malice of the prosecution, it is deemed necessary to lay before the public a more detailed statement of the whole transaction, for the double purpose of illustrating the system of government, and vindicating the administration of justice in Ireland.

In the summer of 1803, Mr. J. Fox and Mr. J. Osborne, who were appointed to go the North West circuit, were escorted by a military guard, from Dublin to Longford, the first assize town on

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Detailed
statement
of the case
of Judge
Fox.

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that circuit. Thus were the fears of the government presented to the view of the people, in the novel exhibition of the judges of assize coming to administer justice amongst them, under the protection, and with the command of the army. Upon opening the commission at Longford, the loyalty and peaceable demeanour of all ranks of people appeared so unequivocal to the judges, that they deemed it expedient to discontinue the military attendance, which had always in their eyes borne an unconstitutional appearance, and through the rest of the circuit, entrusted themselves to the protection of the yeomanry under command of the sheriffs of the respective counties. Mr. J. Fox, as senior judge, charged the grand jury of Longford, in an address appropriate to the awful circumstances of the times. Endeavouring to awaken them to a high sense of the dangers, which hovered over them from external and internal foes, he called upon the exertion of their best energies. He reminded them of the recent horrors of the 23d of July, and warned them of the dangers of the leaders of that rebellion still remaining at large. He strongly commented on the nature and extent of that insurrection, and on the origin and motives of the persons engaged in it. He exhorted them to union amongst themselves: to forget their religious animosities, by which the country had been so long weakened and divided, and to join in presenting a dutiful and loyal address to the throne, praying his Majesty to strengthen the executive government of the coun-

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try at a crisis so alarming and dangerous.* To the like purport he charged the grand juries at Enniskillen and Lifford, the respective assize towns of the counties of Fermanagh and Donegal. The circuit ended at Derry, whence Mr. J. Fox returned immediately to Dublin; where having, in the usual manner notified his return to the government, he was received at the Castle, without any intimation of any complaint or dissatisfaction at any part of his conduct on circuit. Mr. J. Fox attended his judicial functions in the Court of Common Pleas during the subsequent terms (Michaelmas and Hillary) and went the Connaught circuit at the spring assizes, unquestioned and unblamed, and unconscious of any displeasure or offence having been given to government, or to any individual, who had come before him on trial, or otherwise in court. It is evident, that if the learned judge's conduct, on the North West circuit, in August 1803, had been blameable, the government was bounden to take immediate steps in vindication of the public justice of the country, by censuring or punishing the misconduct of the

* Such was the outline or substance of the judge's charge, which was made the subject of animadversion and accusation against him, at the distance of nearly twelve months. No complaint was ever heard of the charges delivered at Enniskillen and Lifford, though to the same purport. At Lifford, Sir James Stewart, the Foreman of the Grand Jury applied, through Mr. J. Osborn, to Mr. J. Fox for a copy of the charge, (so satisfied were they with it,) with permission to print and publish it; which request Mr. J. Fox could not comply with, as he had not reduced it to writing

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judge. If any individual had been injured or aggrieved by any word or act of the judge in his judicial capacity, it behoved him not to lie by, till the charge became stale, but to apply immediately for redress, whilst the matter was fresh and capable of proof and defence. However, the first intimation of any complaint or charge against J. Fox, was made by the Marquis of Abercorn, on the 28th of May, 1804, not to the judge, not in the country, where the offences were charged to have been committed, not by any member of the Irish government, but in the House of Peers at Westminster, behind his back, and without any notice, "that he had grave and serious matters of complaint to bring before their Lordships against one of his Majesty's judges, in which the administration of justice was deeply concerned," and moved, that their Lordships should be summoned on this momentous complaint. on the following Monday : on which day, (31st May, 1804) his Lordship uttered a long virulent speech of above three hours, in which he painted the conduct and character of that revered judge, in the blackest colours, which the malignity of humiliated pride, and the venom of detected corruption could supply. After this effusion of rancorous vituperation of an absentee, without notice, or means of meeting the charge, and without the offer of evidence to support it, the Marquis of Abercorn presented the petition of Mr. Hart, which, upon his motion, was ordered to lie upon the table.

It has been frequently, and cannot be too often remarked, that duplicity and secrecy were leading features of the system. The Marquis of Abercorn, who through his agents and his own resentful assiduity, had consumed near ten months in preparing this masked battery to play upon the undefiled and unassailed character of Mr. J. Fox, has furnished the public with pregnant additional evidence of the insidious and base obsequiousness of Lord Hardwicke's Government to that system, which has brought Ireland to its present unfortunate situation. That passive Viceroy had so far lent himself to the mischievous suggestions of the base reptiles about him, as to have furnished to Lord Abercorn secret arms to give effect to the malignant attack upon the absent Judge. The Marquis read as a part of his speech before the Lords, a letter from the Lord Lieutenant of Ireland to the British Minister, in which the judicial conduct of Mr. Justice Fox on the North West Circuit, was arraigned in terms of marked reprobation. If such publicity had not attended this official document, posterity would not have credited the annalist, who should have asserted, that an accusation of this public nature and national importance had thus walked in darkness during a period of ten months; that it had occupied the thoughts of the Irish Government in secret for such a length of time: that it had travelled in an official shape to the British Cabinet, without communication of any kind from the Lord Lieutenant of Ireland, or any person em-

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Character-
istic symp-
toms of the
Pitt system.

The Reign of George III.

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ployed under him to the supposed offender, who under this load of alleged dangerous delinquency, was permitted all the time to exercise his official functions, and who, if guilty, was in the daily temptation and opportunity of corrupting the pure streams of public justice. It was not without reason, that it has been said *, that *to accomplish his party purposes, Mr. Pitt never scrupled to play with the constitution of his country.* In fact it is impossible, that any conduct could more pointedly contravene the spirit and principles of the British constitution, and more directly diverge from the practice and analogy of the common law and equity of the land, than to attack and asperse the character of an individual on the highest points of criminality, in the first tribunal of national judicature, without notice to, and behind the back of the party accused.

Judge Fox goes to England to obtain grounds for his defence.

Mr. J. Fox having read in the common newspapers, that the Marquis of Abercorn had instituted a most extraordinary proceeding against him in the House of Lords, obtained leave, which could not have been decently refused, to go over to England, to learn the particulars of the charges against him, and to take without loss of time the necessary steps for defending his character and honor against such insidious and malignant charges. He arrived in London on the 8th of June, and to his astonishment was informed, that no progress had been made, or was intended to be pressed during that Session

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against him. He however with great prudence and discretion presented a petition to the Lords, in which stated, that he had only accidentally and from the public newspapers learnt, that proceedings had been instituted against him in the House of Lords, on some vague charges of judicial misconduct. He entreated their Lordships to afford him the means of knowing the charges laid against him, in the most anxious solicitude to defend and justify his judicial conduct, which he confided would upon investigation be proved to have been not only blameless, but highly meritorious. That he had hitherto refrained from bringing the case before their Lordships, under a conviction, that proceedings would have been instituted at the instance of the party, who had preferred the complaint: he therefore, submitted to that House, that “ perceiving, that no measure had been brought forward on that question; that the Session of Parliament was drawing to a conclusion: that the duties of his station on the near approach of the circuit would require his return to Ireland; that the transactions charged had taken place in the most remote part of the United Kingdom, he could no longer forbear to address their Lordships, in order to repel the obloquy, which had been so cruelly and unjustly cast upon him in his absence, and through him upon the judicial character of his country.” Notwithstanding the reasonableness of this petition, nothing was done upon it from the 21st of June, when it was presented, till the 5th of July, when Lord Abercorn,

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having been repeatedly pressed by some of his Peers to bring forward the whole of his charges, he did reduce them to nine in number: which having been regularly digested, were presented and ordered to lie on the table: and by a farther order of the same date, a copy of the nine charges was directed to be furnished to the Judge conformably with the prayer of his petition, "that he might learn with precision the nature of the charges against which he was to defend himself." No analogy was observed to the constitutional delicacy of our criminal law, by which the first accusation is privately made before a Magistrate, in order that it may afterwards be discussed, and its merits enquired into with the like humane privacy. The charges are never exposed to public notice, till the accused is called upon to make his defence: thus is every unfounded scandal and *ex parte opprobrium* prevented from being circulated. Whereas in this case every principle of British jurisprudence was inverted, and the utmost publicity of unqualified crimination was poured out unsparingly in the very commencement of the process: as if a power existed in the land to punish by anticipated conviction. On the 10th of July 1804, Mr. J. Fox received an official copy of the articles of complaint against him, and he instantly returned to Ireland to attend to his judicial duties. It once more fell to his lot to go the North West Circuit: yet, however galling to his feelings from what had passed, he performed the duty without cavil or complaint: which under the peculiar delicacy of

his situation at that time, was an unequivocal proof of his transcendent competency to answer the awful function of administering impartial justice to the most profligate and corrupt. Every word and action upon the whole of the circuit in the Summer of 1804, was, as might naturally be expected, more than critically watched by his accusers, and their mercenary band of purveyors of judicial crimination.

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It is of no trivial interest to the public, to reflect, that beyond the general principles and maxims of our constitutional policy, it is specially enacted by the (Irish) act of 11. Geo. I. c. 20. s. 1., that no person shall be prosecuted for any words spoken by indictment or information in any Court of Justice, unless information of speaking such words be given on oath before a Justice of the Peace, where such words shall have been spoken, within one calendar month : or before one of the Judges of his Majesty's Court of chief place within two calendar months, after such words shall have been spoken. The criminal words supposed to have been spoken by Mr. J. Fox to the Grand Jury of Longford on the 11th of August 1803 never were reduced to writing by any of the persons produced before the Committee, to give evidence to them. The Foreman and four others of the Grand Jury have declared upon oath, that they took no notes in writing ; but swore only according to their general recollections and impressions ; and that, above 18 months after the speaking of the words charged

Unconstitutional prosecution of Judge Fox on the first charge.

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to be criminal*. It is also to be remarked, that no Grand Juror of the county of Longford, to whom the charge was given, nor any one of the many persons, in whose presence and hearing it was delivered, ever made any complaint of it. Neither did the Lord Lieutenant, or Governor of that county, or any one acting under them, express the slightest displeasure or disapprobation of any part of that charge addressed to the Grand Jury. The only complaint was made by Lord Abercorn, who was no way interested in the county of Longford†, and he was not truly informed of any one material fact or circumstance of the case. Not one of the witnesses examined to this charge has deposed, that a single word escaped from the Judge, which reflected even by implication on Lord Hardwicke, or any of the officers acting under him. On the contrary, they have all sworn, that the language used by the learned Judge, wherever he mentioned or referred to the Lord Lieutenant, was highly respectful, and no attempt

* True it is, that the words of the act of Geo. I. are confined to indictments and informations: not to parliamentary impeachments; to which however the case of J. Fox never went. Yet surely upon every principle of law and justice in every species of criminal prosecution for words spoken or written, the criminal words should be particularly stated, because otherwise the party accused cannot defend himself: and it never can be admitted, that a witness shall be allowed to attest his own conjectures or judgment, as to the scope or tendency of words alleged, but not proved to have been uttered.

† N. B. In page 12, the name Fermanagh is incorrectly used for Longford.

was made to arraign or censure a single measure of his Administration. Thus Mr. J. Fox stands clearly acquitted of this first of the nine charges by the positive, evidence of each of the most noble prosecutors own witnesses.

1805.

The second of the nine articles of complaint, was, “ that J. Fox at Enniskillen on the same circuit did with a like view and in the same spirit of disaffection to the Government endeavour to prevail upon J. H. Cottingham, Esq. to use his influence with a corps of yeomany, of which he was Captain, to address his Majesty for the removal of the Lord Lieutenant.” This Mr. Cottingham was also a Lawyer and a Banker. He was brought over to London at the public expence, and after some private rehearsals of his evidence in support of the charge, which had been twice made and laid on the table of the House of Lords, and had made a prominent feature of the most noble Marquis’ philippic on the 31st of May 1804, he was dismissed without being exhibited at the bar of the House of Lords ; and the charge was silently withdrawn. Thus was the Marquis of Abercorn countenanced and supported by the leader of the system in sporting with the character and honor of one of his Majesty’s Judges of Record, because he disclaimed to bend to power or connive at corruption. With impunity did the Marquis accuse him of disaffection to his Sovereign, and a violation of his oath, in the face of the highest tribunal in the realm ; he aggravated the accusation with all the powers of his eloquence behind the back of the

Second article of charge.

1805.

accused ; after it had been reduced to writing, his Lordship pledged the word of a Peer, that he would substantiate the charge, which he had taken nearly twelve months to prepare : after the reflection of six more months, viz. on the 5th of January 1805, he renewed the charge, laid it once more on the table of that high tribunal, and reiterated his pledge for proving it in its full extent. He became conscious of having preferred an unfounded charge of disaffection against one of his Majesty's Judges, and he was permitted to withdraw it, without reparation* for the injury done to the party by the wide circulation of an unfounded, and therefore malicious accusation.

Third
charge.

The third head of accusation refers to the imposition of fines, which are stated by the accuser to have been " heavy and enormous, and to the " great oppression of his Majesty's loyal subjects, " who for public motives, and to support the " laws, had accepted the office of Magistrates, and " of those, who were discharging the duties of " Sheriffs in the several counties of the said circuit." The charge in specifying the offences

* In the days of Charles II. one of his Majesty's Judges of Record in England, was charged with disaffection by a clergyman of no dignified rank. He was first prosecuted by his Majesty's Attorney General for the offence, and fined 5000*l.* by the sentence of the Court. The Judge afterwards brought his action, and recovered by verdict of a Jury 10,000*l.* damages for the injury done to his character. He, like Mr. J. Fox, was an independent, not a courtly Judge. He was one of the four, who had signed an opinion against the legality of ship money.

complained of, begins with setting forth, that the said Luke Fox did impose the excessive fine of 500l. on the High Sheriff of the county of Fermanagh, and it enumerates other fines to the amount of 20l. : all of which were in July 1804, and in January 1805, charged to be heavy and enormous: but after the private examination of witnesses, in May 1805, the ground of objection to the fines was altered, and then they were charged to be *illegal and excessive*; and the number objected to was reduced from 20 to 8. The bare statement of the law and facts, shews the ignorance, falsehood and malice, with which this head of complaint was prepared and preferred against Mr. J. Fox. The subtraction of 12 out of 20 charges speaks for itself. Mr. Gerard Irvine, the Sheriff of Fermanagh, failed in his duty by not attending according to notice to meet the Judges on the verge of the county. An offence particularly enhanced by the perilous state of the times; for which he was fined by Mr. J. Fox, not in 500l. but 100l.; as appears by the records of the Court of Exchequer in Ireland, where the following estreat is entered.

1805.

“ County of Fermanagh, }

“ At a general assizes and general goal delivery, held at Enniskillen on the 18th day of August 1803.

“ Gerard Irvine, Esq. High Sheriff of said county, for not meeting or attending the Judges at the verge of the said county on

1805.

their arrival there on the commission day of the assizes of the said county fined 100l."

This fine was agreeably to law estreated into the Exchequer in November 1803, and it is morally impossible, that Mr. Irvine, and all those, who busied themselves about this head of complaint, should not have known, that the fine was 100l. and not 500l. long before it was so grossly and repeatedly misrepresented to the House of Lords. Had Mr. Irvine felt himself aggrieved by the fine, he had a prompt and easy remedy at law before a Jury of his country both before and after the estreat: for the words of a recent statute* are; "If

* 21 & 22 Geo. III. c. 20. s. 10. It may open the reader's eyes to the nature and spirit of the whole persecution of Mr. J. Fox, to remind him, that by the 27 Edw. I. c. 3. commonly called the statute *de finibus*, it is enacted, that Justices of assize shall enquire, if Sheriffs or any others have let out by replevin persons not repleviable. That by the 23 Hen. VI. c. 10. Justices of assize are authorized to determine of office without special commission of and upon all Sheriffs, Under-Sheriffs, bailiffs, officers, and other Ministers, as to matters of arrest and taking bail. That by the 10 Car. I (Irish) Justices of the Peace shall not admit any persons to bail for offences not bailable; that in cases bailable, Justices of the Peace shall, before they admit any persons to bail, take the information of the prosecutor, and reduce the same to writing, and that they shall certify such information to the next general goal delivery. That Justices of the Peace should in cases not bailable, before they shall commit a prisoner to goal take the information of the person bringing such prisoner before them, and shall certify the same to the next goal delivery: that Justices of the Peace shall bind prosecutors by recognizance or bond to appear and prosecute at the next general goal delivery, and shall to the same certify such bond or recog-

1803.

“ the party shall shew any sufficient matter in
“ law, equity or good conscience, why he ought
“ not to be charged, and sufficiently prove the
“ same, the Court may discharge him accord-
“ ingly.” Another part of this charge, though
less in quantity, is alike in quality; “ That at
“ Longford on the said circuit, the said Luke
“ Fox did impose a fine of 20l. on John D’Arcy,
“ and fines of 5l. each on eleven other persons,
“ (named in the article) for not answering to
“ their names, when called in Court to attend as
“ Jurors, although no proof was produced, or
“ even directed by the said Luke Fox to satisfy
“ him, that any of the said persons had been sum-
“ moned to attend for that purpose.” In answer
to this part of the charge: 1°. The record of the
Court again convicts the prosecutors of false-
hood: the estreat of Mr. D’Arcy’s fine is only of
5l.: 2°. It is not necessary by law to prove, that
the parties have been summoned. The Sheriff
must be presumed to obey his precept and not to
return any for Jurors, but such as have been sum-
moned. If he fail in his duty, he is answerable
to the party: 3°. Each of these persons had in
fact been duly summoned; as appeared by affida-
vits procured by the Clerk of the Crown, after
Judge Fox had received a copy of the charges.

nizance. “ And in case any Justice of the Peace shall offend
in any thing contrary to the true intent and meaning of this act,
that the Justices of goal delivery shall for every such offence, set
such fine on every such Justice of the Peace, as the said Justice shall
think meet.”

1805.

Fourth
charge.

The next charge was of a different nature: and perhaps more illustrative of some of the grand abuses of the system. “And with the same spirit of oppression, the said Luke Fox did impose a fine of 200l. upon the Earl of Enniskillen for some alleged informality in his conduct, as a Magistrate.” These are the facts. On Judge Fox entering the county of Fermanagh, a person of the name of Patrick Breslin was returned to him on the calendar by the Sheriff, as having been committed by Lord Enniskillen to the county goal on the 8th of July 1803, and ordered by the committal to be kept in a room by himself, till further orders, and as being then in custody in the said goal. Another person, by name Patt Maguire, was in like manner returned on the calendar by the Sheriff, as having also been committed by the Earl of Enniskillen to the said goal, on the 18th of July 1803, and as being also then in custody under such committal. Mr. Johnson, the Clerk of the Crown, a diligent and intelligent officer, as his duty was, entered from the calendar these two persons in distinct numbers on his own and the Judge’s crown book, as having been so committed by Lord Enniskillen, but without specifying any charge of detainer. It was the sworn duty of the Judge under his Majesty’s commission to deliver the goal of that county, and to enquire into the causes of the detainers and committals of them by Lord Enniskillen. The committals were called for and produced: they specified no offence whatever. The examinations or informations, on which alone

1805.

committals ought to be founded, were then called for by the Judge, in order to learn what the offences charged upon them might be. The Clerk of the Crown certified, that no information or examination of either of them had been ever returned into his office. The Judge thereupon ordered the prisoners to be brought to the bar, in order to enquire of them, the facts alleged against them. The goaler then informed the Judge, that those two prisoners had been taken out of his custody on the 18th of August, (that is during the assizes) by a military guard sent for the purpose. The Judge felt this to be a high indignity offered to his Majesty's commission: and enquired, if Lord Enniskillen were in town: on learning, that he was at his country seat, (Florence Court) he desired a friend of his Lordship's to go over to him with full instructions to relate the whole faithfully, make his compliments, and entreat his Lordship's attendance in Court on the next day, which was the last day of the assizes. The Judge having waited in Court to as late an hour as he could, for the appearance of Lord Enniskillen: and having repeatedly enquired for him, he found it his duty upon his Lordship's non-appearance to fine him in each of those numbers 100l. On quitting the Court, Mr. J. Fox wrote an official letter to Mr. Wickham, stating all the circumstances of the case, and desiring, that it might be laid before the Lord Lieutenant. The letter was acknowledged, and the Judge assured, that it was then lying be-

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fore his Excellency for his consideration*. The latter part of this third charge is put so indefinitely as to baffle all possibility of defence. It leaves it utterly uncertain, what criminality is meant to be insinuated, for nothing specific is set forth. “ And the said Luke Fox, in like manner “ imposed fines of different amounts on the Rev. “ Mr. Hawkshaw, of the county of Donegal, “ Wm. Stewart, Esq. Provost of Enniskillen, and “ ——— Pallas, Esq. and ——— Webster, Esq. Justices of the Peace for the county of Longford,

* Patt Maguire was never more seen or heard of. But the tragical end of the unfortunate Patrick Breslin is an awful warning to those of the system, who are so little satisfied with the good and established rules of the common law. This prisoner, though no soldier, nor enlisted as a soldier, was taken out of the hands of the King's Judge, out of the King's prison, which that Judge was commissioned to deliver, and was in the very act of delivering; he was marched during the assizes to a military prison, where he was kept some time under the strictest confinement. He was afterwards tried by martial law, for seducing or endeavouring to seduce a soldier to desert: he was found guilty, and sentenced to be hanged. The sentence was confirmed by the Lord Lieutenant, and the unfortunate man was ordered for execution; which he attempted to prevent by cutting his own throat: the wound not proving fatal, he was hurried faint and bleeding in that agony and torture to the place of execution, near to the town of Enniskillen, where he was hanged by the neck, the rope binding the wound until he expired. In this case, there was no pretext for any necessity of trying him by court martial, because the offence, of which he was charged, was triable by jury under the 27 Geo. III. c. 40. (Irish) by which, seducing a soldier to desert, or aiding or assisting therein, is made felony punishable by death. But it is no trivial part of the system, to put down the trial by jury, and erect the standard of military jurisprudence upon its ruins.

1805.

“ and several other Magistrates of different counties, on the said circuit.” By inspecting the records of the Court of Exchequer, it will appear, that the four gentlemen named in that part of the charge were fined for glaring offences under the 10th of Charles I. and in each instance, the fine was *reasonable and moderate*. The Rev. Mr. *Hawkshaw* was fined 50l. for admitting to bail two persons charged positively with burning a dwelling-house: the parties bailed did not appear, and they forfeited their recognizances. It appeared evident, that there also was collusion between the Magistrate and the prisoners, and afterwards between the prosecutor and the prisoners. Mr. *Stewart* was fined 50l. for committing one Neale Ford to the goal of Enniskillen without any charge on oath having been made against him, and enlarging him on the eve of the assizes without taking bail for his appearance: Mr. *Pallas* was fined 20l. as well as Mr. *Webster* for enlarging without bail a prisoner charged with a capital offence. Both in the charge and motion made by Lord Abercorn for Mr. Webster to attend to give evidence before the Lords his fine is stated to be 100l. whereas by the estreat, it appears only to have been 20l.

The fifth article of charge, which was afterwards withdrawn, refers to, or insists upon no facts: it proves nothing beyond the malicious levity of the fabricators of it. The mere recital, is the refutation of the charge, “ That with the same spirit of

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“ oppression, the said Luke Fox did at Longford
 “ at the same assizes maliciously declare to the
 “ then High Sheriff, that he was sorry, that the
 “ said Sheriff had not left it in his power to fine
 “ him; although the same Sheriff in every re-
 “ spect to the best of his judgment and ability
 “ discharged the duties of office, and had con-
 “ ducted himself with every possible respect and
 “ attention to the said Luke Fox.”

The sixth
 charge.

The sixth article of charge is in its nature important and vital to the conduct of a judge. It is maliciously put in these words: “ That the said
 “ Luke Fox, on the said circuit, did, in violent
 “ and abusive language, wantonly, scandalously,
 “ and unwarrantably traduce and libel the charac-
 “ ters of William Armstrong, John Semple, Noble
 “ Weir, and others, all of the county of Fermanagh (being jurors sworn upon a petty jury
 “ at the last summer assizes, at Enniskillen, in the
 “ county of Fermanagh) by declaring them not
 “ worthy to be believed on their oaths, and as un-
 “ fit to act in the capacity of jurors ever again;
 “ and by ordering the clerk of the crown to deliver in a list of their names to every succeeding
 “ judge, as men unfit to be jurors, that they might
 “ prevent their serving as such in future.*” The short, though important history of this manœuvre and charge is as follows. The gentlemen of this ju-

* This was the third or last castigated edition of the most noble Marquis's charges preferred against J. Fox. Mr. Armstrong's petition presented to the House of Commons by Colonel Cole went much further in charge. (Vide Note. p. 13.)

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ry, for nearly twelve months after they had been thus marked and censured by Mr. J. Fox, never preferred any charge or complaint. And it appears by the evidence (however costive) of Mr. James Galbraith,* before the Committee of the Lords, that he, in conjunction with a Mr. Robert Wier, an attorney in Dublin (whose bastard son Noble Wier was one of the Fermanagh petty jurymen) prepared the petition of Mr. Armstrong and the jurymen, that was presented to the House of Lords, without the privity or direction of any of them. It was then, without a moment's delay, engrossed for signatures. The whole of that petty jury signed it without enquiry or scruple, and dined together at a public house at Enniskillen. The dinner was neither ordered nor paid for by any of them. Mr. Galbraith admitted in his evidence,†

† This Mr. James Galbraith had for many years been attorney and law agent to the Marquis of Abercorn; he had long been under sheriff to the county. He is moreover a banker, patentee clerk of the errors of the court of exchequer chamber, crown solicitor for the North West circuit, and register of the diocese of Derry. Mr. Robert Wier is a practising attorney at Dublin: and at that time was a defendant in a suit depending in the Court of Common Pleas in Ireland, in which a heavy verdict had been found against him for money received at different times in trust for the Plaintiff, and a motion to set aside the verdict had been lately refused by that court.

* When this Mr. Galbraith was questioned in the committee, "how he came to suffer an allegation to be stated in that petition, which, according to his own evidence given to that House, was absolutely untrue?" His answer was, "The petition, as to the latter part of it, was stated to him by Mr. Weir." (Printed Evid. p. 53)

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that he summoned them all to attend as witnesses in London, to support the allegations of the petition, and advanced them money for their journey and expences. Mr. Armstrong and the other jurymen examined before the committee positively denied upon oath, that Judge Fox did, as stated in the petition, on the trial of *Fletcher, Keys and Sharp*, for the murder of Morris, *charge very strongly to find the prisoners guilty*, or that *he expressed great dissatisfaction* when the jury delivered their verdict. On the contrary, when the evidence had been gone through, the judge summed up with accuracy and precision, and then left it to the jury, observing to them, that there was evidence sufficient, if they believed it, to find the prisoners guilty, noticing the different circumstances, that applied particularly to each ; and then left the case of the prisoners to them in the alternative, charging them, if they believed the witnesses, to find the prisoners guilty ; but if they did not believe the witnesses, to find a verdict of acquittal. The jury, after a short deliberation, brought in a verdict, acquitting all the prisoners, which was received and recorded without any observation from the judge, and the prisoners were discharged. The most virulent of the witnesses produced to this charge have admitted, that the prisoners had, under the judge's direction, not only a fair and impartial, but a merciful trial. Thus the foul and revolting charge made in the House of Lords, that a judge had usurped the power of the jurors, and *strongly charged the jury to find*

1805.

the prisoner guilty, has been proved by the prosecutor's own witnesses to have been an audacious and malignant falsehood. On the day after that trial, Mr. J. Fox taking into consideration, that the verdict in this case was contrary to strong and pregnant evidence, and that the jury, even during the trial had manifested an unjust bias by the questions, which they put to the witnesses from the jury box, and it appearing to him a case, on which no unprejudiced person in court entertained a doubt as to the guilt of two, at least, of the prisoners, and from his knowledge of the circuit, he thought it would be conducive to the ends of justice, to mark the verdict by such a censure, as he had known to have passed upon similar verdicts from the most enlightened judges, both of his own and former times. He did, therefore, in the presence of the Grand Jury, take an occasion of animadverting with severity on the conduct of the petty jury, and concluded by directing the clerk of the crown to enter a rule upon his crown book, in the following words, first stating the names of the jurors:

<p>“ <i>The King</i> v. <i>Fletcher and others.</i>”</p>	}	<p>THE above names are handed by order of the Hon. Mr. J. Fox, to the different going judges of assize, with his wish, that they should never be returned on any jury in capital cases, in as much as they found a verdict in this case against the clearest evidence.” In so acting, the conduct of the learned judge could not have been more prudent, legal or constitutional.</p>
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1805.
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 Seventh
 charge.

The seventh article of complaint is, comparatively with the others, of trifling import. It tends, indeed, to show, to what lengths wounded pride and baffled corruption will go, when armed with the power and countenance of the state. "That
 " at Lifford, on the same circuit, the said Luke
 " Fox did swear and impanel a Grand Jury, one
 " day before the day he had appointed by public
 " advertisement for that purpose, by means where-
 " of, many respectable gentlemen of the county
 " of Donegall, who usually attended, and did ac-
 " cordingly, with the same notice, afterwards
 " come to attend, as jurors, were prevented from
 " being sworn and impannelled on the Grand
 " Jury." The circumstances, on which this head of accusation rests are. That on Thursday, the 25th of August, 1803, the assizes commenced at Lifford; and as soon as the judges had opened the commission, Mr. J. Fox was informed by the sheriff of the county, at the head of a very considerable number of gentlemen, that there was then a full attendance of the gentlemen of the county, who were summoned by him to attend as grand jurors at that assize: and that he was commissioned by them to request they might be then sworn; that the business of the assizes would be thereby much expedited: and that it would be a great conveniency to the gentlemen of the county; as by so doing the business might be gone through, and the court discharged by Saturday: otherwise they must be detained till the Monday, which would be, under the existing circumstances of alarm

1805.

and danger, peculiarly inconvenient. The judge, seeing a full attendance of such gentlemen, as were usually known to have served on Grand Juries in that county, and several of those gentlemen having represented to him, that their attendance was required in other places, particularly to embody their corps of yeomanry, was disposed to comply with their request. Wishing, however, to give every gentleman of the county returned on the sheriff's pannel, an opportunity of serving on the Grand Jury, if he thought fit to attend, adjourned the Court, and waited above two hours longer. Being again importuned by the gentlemen present, and assured by the sheriff, that there was a sufficient attendance of the gentlemen returned on his pannel, the Judge returned to Court, and swore in the Grand Jury. This proceeding was, in every respect, regular and legal. The Grand Jury was sworn on the return day of the precept, signed by the Judges, and directed to the sheriff: and the swearing on Thursday was at the express and repeated requests of the sheriff and the gentlemen returned on his pannel. It was done for the accommodation and for the purposes of expediting the public business. Mr. James Galbraith, Attorney and Solicitor for the Crown was returned on the pannel, attended, was sworn, and acted as a Grand Juror at the assizes. What laudable motive could have suggested such an accusation, couched in such aggravating terms, against a respectable judge, ten months after the

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circumstances had taken place, without notice, and behind his back?

Eighth
charge, viz.
of Mr. Hart.

The eighth charge is specific, and requires some detail to disclose to the uninformed or prejudiced the real facts of the case, which will, at the same time, expose, in full deformity, the barefaced falsehood and malignity of the charge: "That at
" the said assizes of Lifford the said Luke Fox did
" contrary to every principle of law and justice,
" and with great indignity and outrage, arraign,
" prejudge and imprison John Hart, Esq., and
" did also conduct himself towards the jury im-
" pannelled in the unwarrantable and unconstitu-
" tional manner represented in the petition of the
" said John Hart, by confining the said jury
" from Saturday evening until the Monday morn-
" ing following; declaring, that they might
" cool their consciences until that time." Inven-
tion could have hardly brought together so many fancied incidents, as in this case actually concurred to illustrate the iniquitous traffic of Grand Jury presentments and road jobs * in Ireland.

Cases of
M'Dowgal
and Dobson.

On Saturday the 27th of August 1803, at the assizes at Lifford, one M'Dowgal a substantial farmer was tried before Mr. J. Fox by a jury of the county of Donegal, of which the Rev. Mr. Robinson was the foreman, for having cheated the county of 46l. 0s. 4d. which had been raised under a presentment for repairing a road, of which he had been appointed overseer by the grand jury

of the county: By that appointment he was to make and repair the road, and upon producing an affidavit signed by a justice of the peace, that he had expended that sum upon it, he would have become entitled to receive it from the treasurer of the county. He procured a Mr. G. Keys a magistrate to put his name to the form of an accounting affidavit, which he had not sworn, and thus fraudulently received the money without expending any part of it upon the repairs of the road. The practice was so frequent and public in that county, that Mr. M'Dowgal hardly thought of defending himself against the indictment, and was found guilty without hesitation by the jury. Immediately after M'Dowgal's trial was finished, another person of more easy circumstances and respectability named Dobson, was put on his trial for a similar offence: with this difference, that the sum presented and paid was 45l.; that Mr. Hart, (through whose ground the road ran) was one of the three overseers appointed by the grand jury, well knew, that a very trifling part of the money had been laid out on the road, and that he (Mr. Hart) to whom Dobson was agent and receiver received the whole sum of 45l. from the treasurer of the county; that Dobson procured Richard Irvine, who was one of the overseers jointly with Mr. Hart to sign his name to the form of an affidavit, purporting, to account for the expenditure of 45l. in making and repairing the road, as if the said Richard Irvine had sworn the same; and that said Dobson had procured Mr. Alexander M'Cul-

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loch a justice of the peace for that county to put his name to it, as if it had been duly sworn before him by Irvine; and that Dobson did at the Spring assizes at Lifford on the 5th of April 1802, give in and deliver such false instrument to the grand jury, affirming it to have been sworn, and well knowing the contrary: by which means the sum of 45l. was ordered by the grand jury to be paid, as it was paid to Mr. Hart, one of the overseers named in the presentment: and the owner of the lands, through which the worst part of the road ran: that Mr. Hart pocketed the whole of the money, and left the road impassable: for according to the evidence given on oath by Mr. Chambers a justice of the peace and conservator of the roads in that district, who surveyed the road in question within very few months after it was alleged to have been made, that the work was inefficiently done, with sods and a little gravel sprinkled over it; that the road was through a lowland in a mountainous part of the country, which was the estate of Mr. Hart: that he enquired of the tenants, why the road was not better done, and was answered, that they owed Mr. Hart an arrear of rent, upwards of three years, and that Dobson, Mr. Hart's agent, came to the lands and divided the road amongst them, according as every man was in debt to his landlord: and that they afterwards got receipts from Dobson, as far as the road went: that they were allowed by Dobson only 4s. 9d. a perch, and they heard 6s. a perch had

1805.

been given by the county. Mr. Chambers further swore at the trial, that upon enquiry of Mr. Irvine, why he had sworn such an affidavit, he had indignantly denied, that he had ever sworn it: though admitting, that he had been applied to by Dobson for the purpose, and had said, that *for a church full of gold he would not do such a thing*. That Dobson then applied to Irvine to sign his name to the paper: and that he did so. He durst not refuse, because he had *bog leave* from Mr. Hart, which he might be turned out of, if he refused. He further swore, that the road was then (1803) impassable, that he could not ride over it, that he was forced to alight from his horse, which was bogged in the road, and that the grass was growing through a part of it: that he (Mr. Chambers) had made a report, which he delivered in writing to the grand jury of all those circumstances at the Spring assizes in 1803. It was also proved at the trial by Mr. Alexander Stewart, the foreman of the grand jury, that Dobson was called before the grand jury at that assize, and the report was read to him: that he at first denied the charge, but that he afterwards admitted it, and said *it was a common practice in that country*. The grand jury thereupon came to strong resolutions, censuring the conduct of Dobson, and applied to Mr. J. Galbraith* (one of themselves) the Crown Solicitor,

* It will be remembered, that this charge of Mr. Hart against Mr. J. Fox was the first and only one brought forward against him so late as the 31st of May 1804. It prominently carries upon the face of it the essential spirit of the state persecution of

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to prosecute him. It appeared further in evidence, that Mr. Hart had received the entire sum of 45l. so presented, soon after the Lent assizes in 1802, and had allowed his tenants, in arrear of rent, to the amount; and that Dobson gave them receipts by his directions: That Mr. Hart was a grand juror at the time the presentment was first passed: and also when an alteration was made by the grand jury in the appointment of the overseers: Mr. Irvine, who though no tenant, was under the influence of Mr. Hart, having been substituted in the lieu of a Mr. Michell. That Mr. Hart was likewise a grand juror, when the fictitious accounting affidavit was given in by Dobson his agent in 1802. He was also on the grand jury, when Dobson at the Spring assizes in 1803, confessed his guilt: and when they passed the resolution of censure against him: and he was one of the grand jurors, who actually found the bill of indictment against Dobson, for the fraud and cheat, at which they were so highly indignant. Yet this very Mr. Hart, one of those indignant, came on the table at the next assizes, and putting off the character of a *ensorious* grand juror, and assuming the qua-

an upright and firm judge making a virtuous stand against the managers and controulers of a country, in which fraud, speculation and perjury were admitted *to be a common practice*. Mr. Hart's petitions to the Lords and Commons were manufactured by Mr. James Galbraith, who exhibited himself at the bar of the House of Lords, as *attorney to the prosecutor, crown solicitor, grand juror, purveyor of evidence, paymaster of witnesses, drawer of petitions, and witness in the cause.*

lity of a *disinterested* witness, swore against Dobson's own confession, and against the mass of evidence, which had induced him and the other grand jurors to pass those damnatory resolutions, that *Mr. Dobson was a very honest man*: and he continued to employ him as his agent after the confession of guilt as he had done for many years before. Can it be wondered at after this, that Mr. J. Fox should have said from the bench, that *Mr. Hart ought to produce a witness to his own character*? This 8th charge presented by Lord Abercorn to the Lords to be handed down to posterity on their journals and records, is ushered in by the impudently false and malignant words, that *the said Luke Fox did contrary to every principle of law and justice, &c.*: and wonderful to state, Mr. Hart himself is brought before the bar of the House of Lords, as the principal witness to prove the charge*.

The jury having heard the charge given by the judge, retired to consider their verdict; and the judge proceeded to dispose of the remaining business of the assizes. After several trials had been gone through, a message was delivered to the judge, that the jury had agreed in their verdict: and being ordered into court, the foreman tendered a verdict, finding in substance the traverser

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Dissent of
the jury.

* The Rev. Mr. Robinson, who was foreman of the jury, that tried Dobson, a gentleman of great respectability, unequivocally declared, that if Mr. Hart had been then on his trial, they would have found him guilty of the same offence on the evidence given during the trial of Dobson.

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guilty of procuring a fictitious *accounting affidavit*. The judge refused to take this verdict, as not being a finding on the issue, which they had to try, and again explained the nature of the issue, upon which the foreman said, that nine of the jury were for finding the traverser guilty of the offence generally: but that three were against it, alleging as a reason, that Dobson profited nothing by the fraud. The jury were again sent back to their room: and the judge finished what business remained: and amongst other things, he passed sentence upon M'Dowgal, who had been found guilty by the same jury. When the business drew near a close, the judge sent a message by a bailiff to the jury, to enquire, whether they had agreed, or were likely to agree in their verdict; to which a negative answer was given. After some time to a like message a like answer was returned: when by direction of the judge, the jury were informed, that if they were not likely to agree, the court would be adjourned until six o'clock on Monday morning. The jury having once more sent a message to the judge, that they were not likely to agree, after having waited half an hour longer, the court was adjourned about eight o'clock on the Saturday evening, till six o'clock on the Monday morning. Within an hour after the judge had left the court, a message was sent from the jury to signify to him, that they had at last agreed in a verdict; finding the traverser guilty; with the intent of recommending him to mercy. Whilst the foreman was knocking at the door to send in the message, one of the

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jury said, he never had agreed, and never would agree to that verdict*; but the other eleven did agree to it. Thereupon they went back to their room, and submitted from that state of dissent to be carried to the verge of the county, where they were discharged, persevering to the last in their disagreement. It is to be observed, that Mr. Robinson the foreman, and his fellow jurors, peremptorily refused to sign a petition against Judge Fox †. He declared, that if he signed any petition at all, it would be to express his approbation of Judge Fox's conduct. Thus was Mr. Hart left to bring forward his own case before the Lords and Commons with the countenance and private aid of the British Minister, and some of his most obsequious tools, and the public and unblushing exertions of the Marquis of Abercorn, Sir John Stewart, late Attorney General, and their trusty and sympathizing associate and pluralist James Galbraith. The entire of the civil and criminal

* This was specifically sworn to in an examination taken by Mr. James Galbraith (who to his other numerous characters, adds that of a justice of the peace for the county of Donegal,) of John Stewart, Esq. (one of that jury) on the 2d of September 1803; before any accusation of Judge Fox had been thought of. The original examination is amongst the records of the county of Donegal.

† This came out upon the cross examination of Mr. James Galbraith before the Lords. He had invited Mr. Robinson to dine with him in Dublin, offered him 100*l.* for going to London to give evidence against Mr. J. Fox, and urged his assurance, that he and his fellow jurors should be liberally rewarded, if they would come forward in support of the prosecution.

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business was finished on the Saturday with the exception of taking the presentments; and all the jurors and suitors and other persons attending the assizes were then discharged, except the grand jury, and the petty jury deliberating on their verdict in Dobson's case. The sentence, which Mr. J. Fox thought fit to pass upon M'Dowgal * was,

* Upon good and cogent reasons did Mr. J. Fox deem it necessary to pass an exemplary sentence on this delinquent in a country, where Orangeism held the ascendancy, where it had been proved in evidence, that the crimes of which M'Dowgal had been found guilty were a common practice, and that Dobson had made the frequency and notoriety of it his justification and defence. Whence it happened, that the frequency and impunity of delinquency had introduced a species of local morality, which treated the most flagitious crimes (perjury, robbery, of the public, and murder of informers, witnesses, &c.) as venial offences, and practically cleared them of shame and remorse by admitting the perpetrator into society, and swearing in a court of justice, and that he was entitled to the character of *a very honest man*. It may here be instructive to some readers to lay before them the general system of Irish law of Grant Jury presentments, out of which such an enormity of abuse has emanated. Within threescore years immediately preceding the union of Ireland with Great Britain, a code of laws was enacted by the parliament of Ireland, introducing a system till then unknown to any part of the United Kingdom, of making and repairing public roads and bridges, for the communication and convenience of the inhabitants. By these statutes, which are numerous, the Grand Juries at the assizes are empowered to present any sums of money, limited in amount only by the demands made upon them, and by their own direction to be levied on their respective counties, for the purpose of making and repairing the roads, in the several districts of such counties.

These presentments, where a new road is to be made, cannot by law be passed, unless previous to the assizes, two credible

to be imprisoned one year; to pay a fine of 100*l.* to the King, and to be twice pilloried. This se-

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persons shall have made affidavit, that they had measured the new intended line of road: that it would take a specified sum to make it, and that such new line of road was situated between a market town and the sea. Such affidavits are to be given in to the secretary of the Grand Jury, six days before the assizes, and to remain, afterwards, among the records of the county. The Grand Jury may pass these presentments in their discretion. The money so presented is levied on the occupiers of the land, or the tenants actually cultivating the soil, in addition to their rents payable to their landlords. And the landlord contributes no part of this tax, unless for such land, as he may actually occupy; which in general forms but a small part of his estate. If he occupy no land, he contributes nothing to the charge or assessment. It thus becomes a tax upon occupancy in a country, where the occupiers of the land, from the dearth of trade and manufactures are extremely numerous and indigent. The poor, who may benefit by the labour of making the roads, must be, from the nature of the system, and in fact are few in number; and, confined to the tenants, and dependants of those, who impose the tax. These are generally the only persons employed in those works. In many parts of Ireland, the grand juror, who imposes the tax, receives the money from the county treasurer, and gives receipts to his tenants (paying perhaps, a rack rent for their land) *for the money*. The poor thus employed, are, in consequence, countenanced in idleness, and protected in fraud; and a degrading despondency is created, debasing to the spirit, and injurious to the industry of the people. The amount of this tax has been generally calculated to exceed six hundred thousand pounds a year. The presentment for the county of Tipperary for the last year (1810) exceeded 100,000*l.*

Every presentment contains a description of the road to be made or repaired; the sum to be expended, and the names of two or more persons, who are appointed by the grand jury, to see, that the work is fairly, and properly done. These overseers are

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vere sentence upon a defaulter in matters of offence, to which too many then in court were fa-

to account by affidavit sworn before a justice of the peace, to be laid before the grand jury at the ensuing assizes. In order to prevent abuses, it is provided, that no presentment should be valid, unless first read in open court, and passed or *fated* by the judge: and that no order for payment of money by the treasurer, should be made without an affidavit, accounting for the due expenditure of the money, and the honest execution of the work, being read in open court and allowed, or passed by the judge. The former is what is called in Ireland, taking the presentments; and the latter, discharging the queries; because a question is put on every accounting affidavit, before the judge allows or discharges it. In consequence of which, an order is made for payment of the money presented to the overseers.

This is an invidious and vexatious duty of the upright judge, who will therefore give offence in all instances, where resort is had to the most shameful practices, to evade the law; of which some persons of a better description, from the facility given, the frequency of the example, and the difficulty of detection have not been found blameless. In the nature of the system, abuses will be committed in the application of large sums of money, to be accounted for in this cursory manner by affidavits, hastily read in court, in the hurry of assizes, and where the judge must be necessarily ignorant, whether the affidavits have been duly sworn by the parties. These strong temptations to perjury have a direct tendency to sap the fundamental principles of religion, morality, and justice. Every stage of a presentment is marked by one, or more affidavits, which swells the number of affidavits at assizes in Ireland to a number inconceivably great. In this state of things, where *the frauds were so extensive and enormous*, the perpetration not discountenanced, the difficulty of detection so great, as almost to insure impunity, it became the imperious duty of a judge, whenever a conviction occurred, to impose such a punishment, as would brand the offence with legal ignominy, and deter others from committing it. Under these.

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familiarized, created general alarm and consternation amongst those in particular, whose sympathizing consciences brought to their recollection their own guilt. Hard were the reflections upon Mr. Hart from those, who bore in mind the grounds of dissent in such of the jurors, as had refused to find Dobson guilty, because he pocketted nothing by the transaction. This was clearly bringing home to Mr. Hart the original and primary offence, in which his agent Dobson was palpably an instrument for his benefit. Mr. Hart was a man of powerful influence and connections in the county: he was an acquaintance, and had been a client of the judge, whose virtue would not permit him to fall into such a dereliction of honor and duty, as to allow affluence or influence to countenance, screen or encourage abuses, which had already become a national reproach.

Whilst the jury was deliberating on Dobson's case, Mr. Fox read over his notes of the evidence; and finding, on consideration, that Mr. Hart was strongly implicated in the guilt of that transaction, and that a well connected chain of corroborating circumstances strongly tended to bring the real guilt and infamy of it to his door, at the sure peril of offending a set of men in that county (the Orange ascendancy) whose number and power it

Misconduct of Mr. Hart.

circumstances, Ireland is highly indebted to the firm and virtuous judge, who passed so just and necessary a sentence upon so notorious and infamous a defaulter.

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was dangerous to provoke, he sent for Mr. James Galbraith, the Crown Solicitor, to his lodgings, on the Sunday, and gave him directions to reduce into an information such of the different facts, which had appeared in evidence on the trial of Dobson, as tended to implicate Mr. Hart in the guilt of that transaction, and to have the information ready to be sworn at the sitting of the Court, on the following morning. Mr. Galbraith was thunderstruck: started many difficulties: made a vast parade of ignorance: attempted many explanations: but at last submitted (most reluctantly) to the inexorable commands of the virtuous judge. Early on Monday morning, after the presentments had been taken in Court, the Judge gave directions to have Mr. Galbraith called; he had suddenly disappeared: but was soon found and produced in Court. The Judge desired him from the bench to comply with the directions he had given him the day before. On which Mr. Galbraith took Mr. Chambers, the principal witness on Dobson's trial, who had deposed the most material circumstances against Mr. Hart, out of Court; and after having settled the information together, they returned into Court, and Mr. Chambers swore it before a magistrate then present. When the information had been sworn, the Judge addressed the gentlemen of the Grand Jury, stating the circumstances of Mr. M'Dowgall's and Mr. Dobson's trials, and the evidence given on the latter, which appeared strongly to affect Mr. Hart. He then detailed the nature and circumstances, as they were detailed in the

information of his (Mr. Hart's) offence, and as they had appeared on the trial of Dobson. He concluded by directing, that the sheriff should take Mr. Hart into custody, in order that he might give bail, to abide his trial at the next assizes for that offence. Mr. Dobson, who was standing in Court near the Judge, intemperately and repeatedly attempted to interrupt him. The Judge checked him, with an assurance, that when he had done what his duty required of him, he would give Mr. Hart a patient hearing, should he have any thing to say. Mr. Hart got upon the table, the moment the judge had closed, and addressed him with unbecoming warmth; he was reminded, that the court was no place for such intemperance, and the sheriff was ordered to do his duty. Mr. Hart then went from off the table to the side bar, where traversers usually stand, not to the *common dock*,* or felon's bar, as Mr. Hart falsely asserted in his petition. Thence he addressed the judge in insolent terms of reproach and menace, intimating plainly a design to challenge him. He told him, that after his treatment of a nobleman of high rank, he was not surprized at his conduct towards

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* Vid. ante note, p. 13. According to the known axiom, those, who seek redress in a court of justice should enter it with clean hands. Mr. Hart, on the contrary, obtruded himself on the highest juridical tribunal in the British empire, with the wages of guilt in his hands, and the words of falsehood on his lips; having (unquestionably for the purpose of inflaming the public feeling against Mr. J. Fox) in one petition five several times distinctly repeated the notorious untruth, that by order of the Judge he was committed to the *common felons dock*.

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him: that, as a man of honour, he would resent it: called upon the Grand Jury to support his cause, and emphatically asserted, *that he had done nothing more, than every man of them had been in the habit of doing*: and concluded a most impudent address, by introducing again the nobleman by name, whom he had before alluded to, as if for the purpose of intimidation. Mr. Hart was not interrupted in his address. After it was finished, the Judge repelled the insolent attack with firm and dignified coolness. Mr. Hart then gave bail and was discharged.

Singular
conduct of
Mr. Hart.

Immediately after Mr. Hart had been admitted to bail, and before he quitted the court, the jury enclosed in Dobson's case were ordered into court, and after their names had been called over, and having been asked by the officer of the Court, whether they had agreed in their verdict? Mr. Robinson, their foreman, answered in the negative; and instantly added, that Mr. Hart had procured access to the jury the day before, and had spoken to them, whilst shut up, and deliberating on the verdict, in words calculated to influence their verdict: that he told them Mr. M'Dowgal had met with a most severe sentence, which he specified, and warned them, that if they found Dobson guilty he would meet with the same fate. The judge expressed suitable indignation at this outrage upon justice, and severely reprimanded Mr. Hart, who did not even attempt to repel the charge thus publicly made upon him. Conscious of guilt, he shrunk from denial. His high crested

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insolence dropped into guilty taciturnity and confusion, when he was charged in open Court, before the grand and petty jury, “ with having procured a sum of the public money to be paid to him (Mr. Hart) by false and fraudulent pretences: a sum of money, which he had pocketed; which he had retained in his possession, after Dobson had confessed the frauds, by which it had been procured: which he had in his pocket at the time of his uttering those words to the jury, whose privacy he had shamefully invaded, and who by law, and under the sanction of an oath, were debarred from all intercourse, except with the leave of the court.” Although the judge would have been warranted in committing Mr. Hart instantly to the felon’s dock for this audacious contempt of court, and of public justice, he merely (perhaps too leniently) directed Mr. Galbraith to institute a second prosecution against Mr. Hart for this second offence, which was so closely blended and interwoven with the first, as to form but one transaction.

The sequel of this grand contest between the chaste administration of justice and the overbearing arrogance of provincial corruption, shews how necessary the stern virtue of the judge* was to vindicate

Mr. Hart
acquitted
by Donegal
Grand Ju-
ries.

* If it be allowable to compare little with great things, it may be truly said of the *Orange ascendancy*, which pervaded Ulster and too many other parts of the island; that in the progress of their destructive career, they beheld *cuncta terrarum subacta, præter atrocem animum Catonis*. “ The world subdued, save the “ inexorable mind of Cato.”

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the honour and enforce the efficiency of national justice. At the next assizes, Mr. Hart was tried for the offence of procuring access to, and tampering with the petty jury, with intent to obstruct and prevent the public justice of the country. At the trial the fact was most satisfactorily proved, and after an able charge from Mr. Baron Smith, the jury retired, and after a long deliberation, brought in a finding, *that Mr. Hart was guilty of speaking the words laid in the indictment, but not with any evil intention.* The judge refused to receive this finding, as being *imperfect and insensible.* The jury were sent back to reconsider the verdict, and soon returned with a verdict, acquitting Mr. Hart generally: not being able to infer any improper intention from the conduct of Mr. Hart, in obtruding on the privacy of the jury. At the same assizes (Spring 1804) a bill of indictment was sent up to the Grand Jury, charging Mr. Hart with having fraudulently, and by false pretences, procured the sum of £45. to be paid to him by the treasurer of Donegal. The bill was *ignored* by the Donegal Grand Jury!!! Dobson was again tried at the assizes and found guilty of fraudulently procuring the money to be paid to Mr. Hart. Thus, after a hard fought contest, the fact of fraud was at last established by the verdict of a jury. Yet Mr. Hart retains that money, which has been stamped by the verdict of a jury of the country, in which he lives, to have been the wages of falsehood, deception and fraud. Such was the subject matter of that famous petition of Mr.

Hart, presented to both Houses of Parliament, introduced under such high and mighty authority, as to threaten destruction to the fortune, and, what he more highly valued, the honour and character of Mr. Judge Fox.

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The next article of complaint was, “ That the
 “ said Luke Fox, at Lifford, on the same circuit,
 “ did, contrary to law, take upon himself to *nill*
 “ divers presentments, that the Grand Jury, on
 “ their oaths, made for the repair of roads, al-
 “ though the said presentments were, in all res-
 “ pects, agreeable to law, alledging, as the only
 “ ground for such conduct, that the name of
 “ James Hamilton, Esq. was affixed as an over-
 “ seer to said presentments.” The proof of this
 charge rested solely upon the evidence of Mr.
 Hart, who deposed before the Committee of the
 House of Lords: “ that the jury having been
 “ read over, Mr. J. Fox proceeded to read and
 “ pass the presentments, in doing which he seem-
 “ ed a good deal irritated, and particularly cap-
 “ tious with Lord Abercorn’s agent, Mr. Hamil-
 “ ton, a gentleman of very high respectability,*
 “ whose presentments Mr. Fox set aside and nil-
 “ led, assigning no other reason, than that the
 “ name of James Hamilton appeared endorsed as
 “ an overseer.” Mr. Hart was then questioned
 by one of the Lords, whether Mr. J. Fox as-
 signed that as his reason, or say, that was his on-

Charge of
 partially
 nilling
 Grand Jury
 present-
 ments.

* He has recently been knighted for his services by the Duke of Richmond, when on a visit to Lord Abercorn.

1805.

ly reason for *nilling* the presentment, on which Mr. Hamilton's name appeared indorsed as overseer ? to which he answered, " He did. As soon " as he saw the name of James Hamilton, he " threw it aside, and said : *He* shall be no overseer. And he did so with all the presentments, " that bore the name of James Hamilton, as " overseer, endorsed upon them." Such is the evidence of Mr. Hart. The fact is ; that Mr. J. Fox *nilled* only one presentment, that bore the name of James Hamilton endorsed as an overseer, and passed all the others, and there were several, which were so endorsed, as appears by the records of the county of Donegal, where several presentments indorsed with the name of James Hamilton passed at those assizes, may be seen. The other part of Mr. Hart's evidence was contradicted by every other witness examined to that point : yet it is matter of notoriety in the county of Donegal, that when Mr. J. Fox *nilled* that single presentment, he gave distinctly, in open Court, the reasons, why he he felt it his duty to *nill* it. And they were as follows. That presentment was indorsed with two names as overseers, viz. James Hamilton and James M'Ganigle. The latter was known to the judge to be a man neither of property nor character : had been employed by James Hamilton in the capacity of what is called an *acting overseer*, for several years, in and about the town of Strabane, where Mr. James Hamilton re-

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sided ; and particularly on the great road of communication between Dublin and Derry, between Omagh and Strabane, to the repair of which, immense sums had been granted by the grand jury of the county of Tyrone ; and the road, which lay on the circuit, as to a considerable part of it, then was as it had been for years almost impassible. So glaring had the misconduct of this M'Ganigle become, that informations were at length sworn against him for the most shameful frauds practised by him in his trade of overseer. For some time he absconded from justice. When he reappeared, a bill of indictment was preferred against him, though ignored by the grand jury. All this was fully known to Mr. Judge Fox, and that knowledge imposed upon him the indispensable obligation of objecting to his reappearing in his old character of overseer, notwithstanding the *ignoramus* of a Donegal grand jury, over which the judge also knew how far the influence of Mr. James Hamilton* and Mr. James Galbraith ex-

* Mr. (now Sir) James Hamilton, was one of the leading officers of that numerous host of witnesses, which Mr. Pitt was prevailed on by the most noble Marquis of Abercorn to subsidize for the confederated expedition against the fortune, character and virtue of an upright judge. He was largely paid out of the public purse for his attendance, time and expences to and from Westminster and Strabane, but was not brought into action. After private examinations and rehearsals he was not approved of by the inspecting officer in England, and was not permitted to present himself at the bar of the House of Lords. Not so with his co-agent to the Marquis, Mr. James Galbraith. He went through a long examination ; and as a part of his evidence

1805.

tended. Another flagrant circumstance flashed in the face of the judge. Mr. James Hamilton, who

strongly affects the system of *road jobbing*, so necessary to be known to those, who have a wish, and may acquire the power of correcting the abuses of Ireland, it is submitted to their consideration. He prefaced his testimony before the Secret Committee, with an assurance, that he had been for many years a grand juror for both the counties of Donegal and Tyrone. The records of those counties shew, that his name generally graced the grand jury lists from 1799 to 1804. Sir James Hamilton has also been generally on the lists of the grand jurors of those two counties for several years. Question from one of the Lords. "What does *road jobbing* mean? A. I can give very little information on that subject, excepting the ordinary conversation one hears in the country, of which, if your Lordship's please, I will give you the best information in my power. It is generally considered, in Ireland, by every gentleman of fortune, that he owes a duty to the public, to take care, that the roads through his estate, through his neighbourhood in his part of the country, should be taken care of, and the gentlemen generally attend the grand jury, for the sake of taking part in this great object, and gentlemen, that are peers, or of great estates, that are not resident, are generally attended for by their agents. It is usual, when a presentment is presented, for money, to make or repair any portion of a road, for the proprietors of the land, or his overseers, to make use of the name of another person, who is employed either as his agent, or deputy, some person, that he has confidence in to superintend the immediate execution of the repairs of that road. It frequently happens, I believe, that the nobleman, or gentleman, through whose estate a road goes, does not pay much attention to it, but leave the execution of that presentment to overseers, whose duty it is to superintend the daily work, and the phrase of *road jobbing* is frequently applied to individuals, who get themselves into that situation.

"When gentlemen employ low persons to see their presentments executed, these men are sometimes charged with mis-

was the only other overseer named with M'Ganigle, was also the second overseer in the presentment in the case, in which M'Dowgal had been convicted. Mr. J. Fox did therefore without respect to persons *nill* that presentment, on which M'Ganigle was associated with his old employer James Hamilton, as overseer.

The last article of complaint was personal, and recoiled back upon the source, whence the whole batch of accusation had drawn its vindictive origin. The torrent of crimination had in its progress been swelled by the confluent streams of the wounded sympathies of friends, agents, and dependents. "That the said Luke Fox at Lifford, " on the same circuit, in open court, availing " himself of his official situation, in order to in-

1905.
Last charge
presented
by Lord
Abercrombie.

" executing them, the epithet of *road jobbing* is therefore sometimes applied to persons of that description, and I should suppose it was applied, and not at all improperly applied to Dobson, or M'Dowgal. Of M'Dowgal I know nothing. Of Dobson I know more. I had an opinion strongly against Dobson, that he was not a person to be trusted with the expenditure of the public money; and I was anxious for his conviction." Was any thing ever more clear, full, gentlemanly, candid or satisfactory, than this unparalleled definition of *road jobbing*? Why was Mr. Dobson not to be trusted? And why was Mr. Hart entrusted with the expenditure of the public money? Mr. Dobson did not pocket the public money. Mr. Hart did pocket it, and retains it to this hour. Why was Mr. Galbraith anxious to convict Dobson for having procured money to be paid by fraud to Mr. Hart? And why was he anxious, that his much esteemed and most highly-valued friend should not even be tried for this fraud? Was Dobson not to be trusted, only because he confessed?

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“dulge private malice, and with a view to bring
 “into hatred and contempt, the character and
 “conduct of John James Marquis of Abercorn
 “publicly, and in the absence of the said Marquis,
 “did maliciously impute to the said Marquis, the
 “having abandoned his duty as one of the gover-
 “nors of the said county of Donegal, and having
 “sacrificed the interest of that county to the in-
 “dulgence of private solitude, and sullen retiring :
 “he the said Luke Fox afterwards acknowledging,
 “and declaring, that his motive for so doing,
 “was to annoy and yex the said Marquis of
 “Abercorn.”

The language, in which this charge is framed, the colouring given to it, the epithets pressed into the text bespeak the labour of those, who prepared to set up in the House of Lords, this mysterious climax of official audacity and judicial delinquency. The difficulty put upon the party accused in this acrimonious charge of *high crime and misdemeanour*, is the same, as pervades all the other charges; that is, the *generality, vagueness and uncertainty* of the accusation; leaving the person accused, as in other instances, to guess at the matter, circumstances and grounds of the charge. The occurrences, upon which this charge seems to have been raised are in themselves simple, strong and pregnant with illustration of the corrupt and overbearing system of the *Orange ascendancy*, especially in Ulster.

In the course of passing the presentments for the county of Donegal on the 29th of August

1803, a presentment was tendered to Mr. J. Fox, and read in open court, having been previously passed by the grand jury for the sum of 1990l. 12s. 3d. to be levied off that county, in order to repay government that sum advanced for bounties in recruiting 350 men, the quota for that county apportioned by the Army of Reserve Act*,

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* By the 43 Geo. III. c. 85. entitled "An Act to enable his Majesty more effectually to raise and assemble in Ireland an additional military force, for the better security and defence of the United Kingdom, and for the vigorous prosecution of the war," it was enacted, that his Majesty's governors and deputy governors of counties and places in Ireland, constituted and appointed by virtue, or acting in the execution of the several acts of parliament relating to the militia of Ireland, for the counties, cities, towns, and places therein after mentioned, should respectively have full power and authority, and they are thereby authorized, empowered, and required to call together, levy and enrol such persons, and in such manner, as therein after directed; and to do all acts, matters and things necessary for carrying that act into execution.

By the second section of the act, the number of private men to be raised in Ireland, by virtue of the act was ten thousand; and of these, three hundred and fifty were to be raised by the county of Donegal, by the governors and deputy governors of that county. At the time the act received the royal assent, every degree of vigour and exertion was deemed necessary to put the United Kingdom as speedily as possible in an adequate state of defence against foreign and domestic enemies. Accordingly by the sixth section, it was enacted, that a general meeting of the governors and deputy governors, or of three deputy governors at the least, should be holden in each county in Ireland within ten days after passing the said act, or as soon after as might be. In the county of Donegal, the first general meeting of the governors and deputy governors was holden only on the 28th of July 1803, at which the Marquis of Abercorn presided as

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which received the royal assent on the 11th of

one of the governors of the county. By this act two modes of raising the men were provided at the option of the governors and deputy governors, who were authorized to levy the men by ballot, in the several subdivisions, which was obviously, and at first view, the most effectual mode of carrying the act into execution. But in such places, where it might be desirable to avoid the inconvenience of balloting, without incurring either delay or risk in raising the men, it was enacted by the 38th section, that if at the first general meeting of the governors or deputy governors of any county in Ireland, to be holden, in pursuance of the said act, five of the said governors or deputy governors, assembled at such general meeting, and forming the majority thereof should be of opinion, that the number of men required for any county could not be conveniently and expeditiously raised under the foregoing provisions of the act, and that such men might be more conveniently and expeditiously raised, as recruits are raised; and, that in that case they might reduce their opinion to writing, and signify such opinion in writing, signed with their names to the Lord Lieutenant for his approbation; and in case the Lord Lieutenant, should approve thereof, he was authorized to direct such governors, &c. &c. to proceed to raise and enrol, without delay, by beat of drum, or otherwise, a certain number of volunteers, not exceeding the number required by the act for the said county. In the county of Donegal, the latter mode of raising the men required was resorted to; and accordingly, at the first general meeting holden on the 20th day of July, the following resolution was passed by the governors and deputy governors then present.

“ RESOLVED. That it appears to us, that the most expeditious
 “ method of raising three hundred and fifty men, the quota for
 “ this county, is by general recruiting on bounty, to be advanced
 “ by government, and repaid by cess on the county at large, at
 “ the next assizes.

Signed by

“ ABERCORN.
 “ SAMUEL HAYES. } Governors.
 And Deputy Governors, &c.

July, 1803. Under the provisions of that act, and the different circumstances, which attended the execution of it in the county of Donegal, it became the duty of Lord Abercorn to hold the first meeting within ten days (viz. on the 21st of July), whereas he delayed it to the 28th; thus almost doubling the utmost period of time allowed by the act, when the delays, even of hours might be pregnant with disaster. It became moreover incumbent upon his Lordship, as a governor of the county, having elected to raise the men by recruiting, and not by ballot, to proceed to raise the men, which was the immediate and pressing pur-

This resolution thus signed was transmitted to the Lord Lieutenant, who approved thereof; and ordered and directed, pursuant to the act, the governors to proceed without delay to raise the said number of volunteers, by this mode, which was so signified, by the governors, as the most expeditious mode of levy, by the said resolutions signed by them. At the next general meeting, held on the 4th day of August, 1803, at Lifford, Lord Abercorn alone presided as governor, Sir Samuel Hayes having, through ill health, been under the necessity of absenting himself. The Lord Lieutenant's approbation to the mode of raising the men by recruiting by bounty, was received; and that mode was adopted formally, and entered amongst their proceedings by the proper officer, and then the meeting adjourned. Thenceforth it became incumbent on the governors and their deputies to proceed without delay to raise the men; which was the object of all this preparation, agreeable to the letter, as well as to the spirit, of the act. By section 39. of the act, the levy by ballot was to be suspended by the Lord Lieutenant in the counties, where the governors should have signified under their hands, that they could raise the men more expeditiously by recruiting. This suspension was procured.

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view of the act: whereas, from the time the Lord Lieutenant had, according to the act, signed his consent to suspend the ballot, in order to facilitate the recruiting, which was the mode adopted for raising the quota of 350 men by the County of Donegal, up to the 29th of August 1803, not a single man had been raised; and yet (incredible) a presentment was tendered on that day by the grand jury to the judge, for his *fiat*, for levying near £2000 upon the occupiers of lands in the county of Donegal, under the pretence of paying the government the money, not one shilling of which had been advanced for the purposes of the act. Not a single man had then been recruited. The law required, that the men should be first raised, and that the grand jury should be furnished with lists duly authenticated by government, of the men so raised, and the bounties paid by them out of the public money for that purpose. Had Mr. J. Fox, on that occasion, betrayed his trust, violated his oath, and injured his sovereign and his country, by putting his *fiat* to such a fraudulent presentment, he would have become, (for the first time in his life) a scandal and a reproach to a court of justice. The pitiful malignity of charging the judge with boasting of the personal motive of annoying the state delinquent, is too contemptible to animadvert upon.

General
conse-
quence of
the charges.

Such was the mass of false, rancorous and malignant accusation, for which Lord Abercorn and his creatures were for two years furnished with the countenance and purse of government, in order

to support the *Orange ascendancy* in Ireland over the rights, welfare, and justice of that country. 1805.

With all Mr. Pitt's partiality for that nobleman, he never durst make it a government question: for even Lord Auckland opposed this latter mode of proceeding. It ought, said his Lordship, to have originated in the House of Commons or in an inferior court. If they did any thing in the present mode of carrying on the business, they would probably be reduced to the embarrassing circumstance of pronouncing a verdict on a man, whom they might afterwards have to try, in case of his impeachment by the Commons, or appealing from the judgment of an inferior court. No rational hope could be entertained, that the charges would be fairly gone through during the short remainder of that session. The Chancellor supported the proceedings, and recommended to Lord Abercorn to omit all the charges, which could not be brought home to the learned judge in his judicial capacity; which being done, they were referred to the committee. In the Commons, Sir John Newport loudly complained of ministers holding back the papers he had long called for relative to the expences of criminal prosecutions in Ireland, which he observed by a gross charge to have exceeded 110,000*l.* for the last four years; and finding, that by the Pension Act, the secret service money was restricted to 5000*l.* per annum, he moved for an account of that money. There was a general and too well grounded belief, that for some years back enormous sums had been expended under that

Further
Parliamentary pro-
ceedings as
to Ireland.

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Acts of Par-
liament
touching
Judge Fox
and Judge
Johnson.

head. The motion was opposed by Mr. Vansittart, and consequently negatived.

Of all the parliamentary manœuvres of that session touching Ireland *, the two acts, which were passed to affect the legal proceedings against the two judges Fox and Johnson, demand the most serious observation. Lord Abercorn had proceeded to examine several of his most material witnesses before the committee, when finding it im-

* Some acts, which did not affect Ireland passed this session, which gave great dissatisfaction to the public. The act, which granted an annuity equal to one-fourth of the duties of the Isle of Man to the Duke of Athol and his heirs general of the 7th Earl of Derby, after the rights of that family had been deliberately purchased and finally settled by government in the 5th of the King, was considered to be a rank ministerial job: and some very strong protests were entered against it by the Duke of Norfolk, Marquis of Buckingham, Lords Radnor, and Carysfort. Lord Ellenborough called it *importunate mendicancy*. General disgust and indignation followed the decision of the House of Commons on the 25th of June 1805, which was the last parliamentary discussion, in which Mr. Pitt took a part. Chagrined and humbled as he was at the vote of the Commons affecting his friend Lord Melville, he artfully proposed to substitute the mode of proceeding against him by impeachment, for that which had before been determined upon, of criminal information by the Attorney General. Mr. Fox, Mr. Whitbread, and others of that side of the House were for the latter mode: confiding more in the verdict even of a packed jury, than in the honor of the House of Peers, one-half of whom had either been created or promoted by Mr. Pitt, in the decision of such a question. The minister prevailed in the Commons on this question by a majority of 23: the division being 166 for impeachment, and 143 for criminal information. When the Speaker gave the casting vote against Lord Melville in the Commons, there were 432 members in the House, on this occasion only 309.

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practicable to get through the whole of the evidence before the end of the session, he procured the act to pass, which enacted, that the proceedings should not be discontinued by any prorogation or dissolution of Parliament. The other act passed to meet the case of Judge Johnson, though he be not mentioned in it, is still more extraordinary. That learned judge, after having been foiled in all his proceedings in the law courts, presented a petition to the House of Lords (on which he was heard by counsel at their bar) against certain clauses of the bill then pending (namely, the 44th of Geo. III.) which went to affect his case in the nature of an *ex post facto law*; praying, that he might not be prejudiced by a law, which was not in existence at the time of the alleged offence. The legislature however on the 10th of July (about 10 months before the alleged commission of the offence and four months before he was tried for it at Westminster) passed an act for amending the two before mentioned acts of the 13th and 44th of Geo. III. by which they admitted persons apprehended out of the jurisdiction, in which they were charged with having offended, to bail in all bailable cases; compelled witnesses to answer *subpœnas* to appear, and give evidence as well from without as within the jurisdiction of the writ; and lastly required, that no such warrant should be acted upon, until the seal signet or signature of the court, judge, or justice issuing the original warrant, should have been sworn to. These were three of the main objections to the act of the

18 W.

44th of Geo. III. under which judge Johnson was so severely treated. And as if to prove beyond cavil the special and exclusive purpose, for which that act of the 44th of Geo. III. had been contrived, the same legislators had the tardy grace to preserve others from the toils, into which they had driven the only object of their pursuit. They accordingly closed this act of ostensible reparation, with an exception, that gave full effect to the whole of their original design. They declared, that it should not in any manner affect any prosecution depending before the passing of the act of amendment, or touch the construction of the 44th of Geo. III. should any question arise or have arisen thereon. It was notorious, that no other case, than that of judge Johnson was then pending; and tolerably evident, that none other was ever intended to be raised upon that statute.

Other Acts
of the Ses-
sion.

Early in the session had the legislature continued the suspension of the *habeas corpus* act till six weeks after the commencement of the next session of Parliament. An act also was passed to authorize the Lords of the Treasury to pay money to the Under-Secretaries in the absence of the Chief Secretary as secret service money, for the purpose of detecting, preventing, or defeating treasonable or other dangerous conspiracies against the state: the due application of which was required to be sworn to by the party receiving. The new Dublin paving bill appointed new commissioners to examine into the irregularities and abuses of the paving board, provided for the suspension

of the powers and authorities of the old corporation, and for vesting them in new commissioners during the suspension, and for the better conducting and managing the business of the said corporation. Several acts of regulation were passed, touching the distilleries and for remedying abuses in the collection and management of the excise duties and customs : and also for imposing and levying the several inland duties of excise and taxes lately granted to his Majesty.

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Lord Sidmouth, who had since the month of January, been elevated to the dignity of peerage, and had come in as Lord President of the Council, in lieu of the Duke of Portland, and had brought in with him his friend Lord Buckinghamshire, as Chancellor of the duchy of Lancaster, assumed all the consequence and airs of the head of a political party.* He availed himself of the declining symptoms of Mr. Pitt's health, to build a consequence upon his exertions to accelerate the fall of his benefactor, whom he now affected to treat as a rival. He privately instructed his whole corps to vote against Lord Melville. Mr. Pitt never forgave that treachery and ingratitude. He had, notwithstanding, the assurance to urge Mr. Pitt to appoint the Earl of Buckinghamshire to fill the situation of Lord Melville, from which, in the hard run race in the

Lord Sidmouth disagrees with Mr. Pitt.

* They were numerically few, politically insignificant. Mr. Bragge Bathurst, his brother-in-law, Mr. Hiley Addington, his brother, and some few, whom he had favoured whilst minister, of no connections, little note, and less talent, made up his small detachment.

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Commons, he actually claimed from the opposition the immediate merit of having expelled him. Mr. Pitt found a ready refusal in the incompetency of Lord Buckinghamshire to fill that important station, which he had reserved for Lord Barham. Lord Sidmouth, in dudgeon, sent in his own and his disappointed friend's resignation. Mr. Pitt, well knowing the imbecility and vacillation of the resigners, and taught at length the practical value even of a single vote, declined forwarding their resignation, and recommended reflection upon their hasty resolution. They repented; and for some weeks held on their situations. Fresh differences broke out; they relapsed; and on the 10th of July once more tendered their resignations; which Mr. Pitt then thought proper to accept, and Lords Camden and Harrowby were appointed their successors.

Case of Mr.
Todd Jones.

In the first week of the late session, Mr. Fox had pointed the attention of the House to the case of Mr. Todd Jones, who was one of the many suffering victims to the suspicion and hatred of government. On the 28th of June, he presented a petition from Mr. Jones, which was ordered to lie on the table. Mr. Fox declined going into the case at large: he had not received strict evidence of the allegations of the petition, though he had made many enquiries, the answers to which induced him to believe them true. He could not forbear remarking one strong feature of the petitioner's innocence, which, he presumed, would not be attempted to be questioned; he meant the offer to

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the petitioner to be allowed to live at large in England. That unquestionably proved, that nothing very material against him could ever come to trial. As, however, in that advanced stage of the session, it would be hopeless to institute any enquiry, he recommended it to ministers, to take his case into their serious consideration. In this Mr. Sheridan joined him; earnestly entreating ministers to enquire into the facts; for confident he was, that they would be found truly stated, and would entitle the petitioner to instant redress. Mr. Vansittart said some words to lay in his claim to the utmost liberality of conduct towards the petitioner. On the 8th of July Mr. Wickham drew the attention of the house to the petition of Mr. T. Jones. He was then in too infirm a state of health to stand up in his place, and he spoke sitting. He deeply regretted, that no communication had been made to him to know, whether the petition ought to be brought forward or not.* He

* A copy of the petition is given, to shew how flippantly official men deal in contradictions. The time, manner and duration of his confinement, the unwholesome state of the goal: the exclusion of his friends and relatives: the tender of liberation: his declining it and courting trial: and the loss of his health and fortune, are the facts alleged in the petition: and which, if true, as they all notoriously were, it could neither be honourably nor honestly stated, that *the case stated in the petition was not true*. But Mr. Todd Jones had long been a warm and powerful advocate for Catholic emancipation and parliamentary reform. It became, therefore, systematically meritorious to misrepresent, traduce and oppress him. The petitioner's assertion of his own innocence is not the statement of a fact, but issue taken upon the truth of the allegations. Against all which

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scrupled not roundly to assert, that the case set forth upon the petition was not true, though he nei-

is set up the asserted ground of suspicion, by the absent minister of a surprized government (Mr. Wickham was not then in Ireland,) resting it's defence and justification upon the effete mummery of concealing the sources of information, when no information had ever, in fact, been given.

“ To the Hon. the Commons in Parliament assembled,

“ The humble petition of William Todd Jones.

“ SHEWETH,

“ That your Petitioner was arrested in the county of Cork, in his bed, early in the morning of the 29th of July, 1803, by the Rev. William Steward, Lieut. Douglass, and a numerous body of soldiery, upon a warrant, as alleged, of Gen. W. Myers, but which warrant petitioner never saw. That he was detained one night in the military guard-house of Bandon, and next day, under a strong escort, was lodged in the South Jail of the city of Cork, upon the warrant of the Mayor of Cork, which warrant your petitioner saw: that after a detainer there of four days, he was conveyed to the Prevost prison of the same city, and lodged in the close custody of the Prevost Marshal. That petitioner was utterly denied the opportunity of seeing his friends, and that such as sought to see him were repelled with insult and ill treatment. That his sister made repeated applications in vain for admission to the prison: and a Mr. Gould, a gentleman of respectable character, property and unimpeached loyalty, on hearing that petitioner was severely indisposed, called to visit him, and was, in consequence of his visit arrested and detained in custody during the period of sixteen days. That some time after the committal of petitioner, he received from the Right Hon. William Wickham, then Principal Secretary to his Excellency the Earl of Hardwicke, Lord Lieutenant of Ireland, a tender of liberation, provided he would go to England, and remain there at large. That your petitioner, conscious of the most perfect innocence, and considering, that acquiescence in such a proposal would imply guilt, respectfully declined it; at the same time rendering to Mr. Wickham the most ample satisfac-

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ther denied nor falsified any part of it. He generally assumed credit for what had been done by the government he had been connected with, because one part of it approved of what the other had done. He regretted, that the matter had not been brought forward in an earlier stage of the session, and, in a manner, to force free enquiry. At present he could defend neither government nor himself, without bringing that before the public, which it would be but fair to afford the petitioner an opportunity of answering. In the genuine stile of the system, he boldly assured the House, that were he at liberty to reveal the whole

tion, that an unreserved examination on oath could afford, and intreating a speedy trial. That your petitioner has remained ever since in close custody, now for twenty months sustaining all the rigours of a military prevost, and added to them, the unwholesome dampness of a new, undried and unfinished edifice, to the material injury of his health. That the creditors of your petitioner, induced by the conclusions they drew of his danger or guilt, from so rigorous an imprisonment, and his total seclusion, by order of the General, from them and all his friends, came down upon him at once with their demands, to satisfy which he relinquished to them his moderate income, and has ever since been confined for subsistence to the mere jail allowance. That your petitioner is now very infirm, and of the age of fifty two years, thus oppressed, untried and unheard. That your petitioner humbly prays this Hon. House would be pleased to take his case into its consideration, and grant him such redress for the heavy calamity he has sustained in the loss of liberty and time, of health, reputation and pecuniary credit, as to its judgment and benevolence may seem meet.

“ And your petitioner will ever pray.”

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mystery, they would be prodigal of their thanks and eulogies for what he had done.*

* This confident boast of clandestine merit and assumption of consequence, authority and indemnity upon incommunicable knowledge came with a bad grace from the minister of a government which had owned itself surprized. That it was, however, but a revival, or rather continuation of the spirit of the terrorists, we have lately had a most authentic and interesting document from the mouth of an eminent and respectable barrister, Mr. O'Gorman. That gentleman, on the 5th of January, 1811, attended a numerous meeting of his Catholic countrymen in Dublin, convened for the purpose of devising the most suitable means of bringing their petition before Parliament. He there found it necessary, to notice, and he most powerfully exposed the impudence and malice, with which some of the venal Dublin Journals had misrepresented the proceedings and conduct of the Catholic Committee, the publicity of which sufficed to convince the nation, that they had done nothing, which was not strictly legal and constitutional. He then pointedly referred to passages in those calumnious prints, which had personal allusion to himself, and which brought from him this manly and impressive declaration, which made part of his eloquent and patriotic speech on that day.

“ I am well aware of the vile object and tendency of these paragraphs. They were calculated to wound and irritate, by renewing the remembrance, which, if possible, ought to be effaced from the memory of every lover of his country, by reviving the sad recollection of the tragic scenes of 1798 and 1799, when a frightful civil war desolated Ireland, and drank the blood of her bravest and best sons. *When Irishmen, by a treacherous and base policy, were armed against Irishmen in murderous conflict, when, in fine, as the consummation of her woes and calamities, the demon of discord laid unhappy Ireland at the feet of England.*

“ Yes, Sir, I and my family have reason to recollect that lamentable season. The allusion is too pointed for me to mistake it: but I never entertained a principle, that then or now I was or am either ashamed or afraid to avow. My principles were then, and are now, those of the revolution of 1688; which are,

Mr. Pitt sorely lamented the necessity of protracting the session to so late a period. His health

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 {
 abrupt pro-
 rogation of
 parliament.

alas ! now grown old fashioned, and considered by the advocates of the present frightful system, little short of treasonable.

“ I never held a principle hostile to the great public landmarks laid down in 1688. But those principles and landmarks have been since almost entirely removed or obliterated by the baneful measures, and by the odious and destructive system of the crafty, designing, cold blooded Pitt. True it is, that in the years 1798 and 1799, I was persecuted with a most ferocious and persevering malignity : that without the slightest charge or accusation of any kind, either verbal or written, I, with my two brothers, was arrested and cast into prison ; and that in the most inclement season of the year, and in a very infirm state of health, under the malicious and lying pretext of rendering my person more secure, I was dragged from prison to prison, and from dungeon to dungeon. True it is, that my persecutors, and the persecutors of my country, loaded my body with chains ; but though they enslaved my body, they could not fetter my mind. That was beyond their reach. Notwithstanding the efforts of my persecutors, I convinced them, that oppression was incapable of taming me into an abject silence. From the depths of my prison, I raised my voice and demanded justice. I demanded, I entreated to be confronted with my accusers ; I repeatedly called for trial by court martial or otherwise ; I claimed no other favour. But I was uniformly denied the opportunity of establishing my innocence and the guilt of my persecutors, on the ground *that there was no charge against me*. This was the constant answer I received to the numerous memorials and petitions I caused to be presented to the different courts martial, that, during my imprisonment, sat on the trial of my devoted countrymen. I was twice discharged by the common law of the land, and as often, by the vindictive spirit of my persecutors remanded back to my prison. For days, weeks and months have I wasted the prime of my life in loathsome prisons ; for days, weeks and months have I pined in the dungeon’s gloom and solitude. At length my oppressors weary of persecution, and well knowing, that I was precluded

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was visibly declining, and the keen agitation of his mind, from the overwhelming circumstance of

the possibility of legal redress, from the atrocious acts of indemnity, that then passed, turned me out of the prison, in which I had so long been incarcerated, on a wide and unfeeling world, with a shattered constitution and impaired fortune. From that hour to this I remain ignorant of the nature of those sufferings, or the real cause of them. The contemptible underlings, who were the immediate agents of my arrest, I do not mean to impute any thing to. They, no doubt, gratified their inherent malignity, by executing the orders of their tyrannical superiors.

“ True it is, that I was then, and am now, and, during my existence ever shall be, the decided enemy of the whippers, the floggers, the torturers, the burners, the house-breakers, the trading and bribed magistrates, the peculators and the robbers, and every description of tyrants, that then infested our devoted country. I was an enemy to the murders committed on his Majesty’s subjects against *all forms of law*, and under the pretext of law. I was and am an implacable enemy to the cruel, perfidious and abominable *Pitt system*. One of these hireling prints has spoken of Lord Clare, and what he would do were he alive. It is not my intention, nor is it my wish to speak harshly or disrespectfully of this unfortunate deceased nobleman. But if he, (as is insinuated) were the cause of my persecution, he has that political sin to add to his other almost inexpressible crimes against the country, that had the misfortune to give him birth. I forgive him, or whoever has been the author of my misfortunes. But I ought to be left at peace. Those heart-rending scenes ought, if possible, to be for ever obliterated from the mind of all good Irishmen. The atrocious indemnity act, which passed at that calamitous period, put it out of my power, either to seek or have redress from the immediate authors of my persecutions. It was part of the abominable system then acted on, not only to violate and trample on the laws, in the oppression and robbery of his Majesty’s subjects, but to indemnify the infamous tribe of robbers, torturers and plunderers of every description. In proportion as those ruffians trampled on the

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Lord Melville's disgrace, the defection of some of his old adherents, the ungrateful and arrogant desertion of Lord Sidmouth and his roving partizans, the uncertainty or failure of all his continental projects, tended powerfully to encrease his disorder (a weakness of stomach.) Unbroken to the curb, he stifled his indignation, encreased disease, and became sullenly froward. Although the conclusion of the session could not be distant, yet the members in general conceived it might continue till towards the end of the month. On the 12th of July, whilst Mr. Kinnaird was opposing the fraudulent manner, in which the memorial of the navy board had been brought forward, and Mr. Sheridan was rising to present a petition from Captain Wood, which he might not have another opportunity of presenting during the session, three knocks were given at the door of the House of Commons, and the members were abruptly and unexpectedly summoned to the House of Lords, where the Parliament was prorogued, by commission, to the 22d of August.* The speech

laws of the country, they were cherished, and caressed and protected by the authors and fomenters of that accursed system. What an execrable system of legislation! I rejoice at having had this opportunity of asserting my principles and of vindicating my character against these base, malignant prints. I should be unworthy of sitting as a member of this honourable body, and undeserving of the good opinion, with which I am honoured by my colleagues of this Committee, had I permitted such foul obloquy and slander to pass by unanswered and unrefuted."

* This abrupt close of the session may have thwarted the views of Mr. J. Giffard, who went over to London in July,

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was delivered by the Chancellor; it drily expressed his Majesty's thanks to both Houses, for the proofs they had given of their constant regard for the honour of the Crown and the interest of his dominions: and particularly alluded to the augmentation of the disposeable military force of the kingdom. It gratefully acknowledged the zeal and liberality, with which the Commons had granted the large supplies, which the necessity of the public service had required. It was impossible to communicate the results of the negotiations then pending with the powers of the continent; but they might rest secure, that on the part of his Majesty no step would be omitted to promote general tranquillity, and to repel with vigour the encroachments of the French government upon the general liberties and independence of Europe.

Defection
of Mr. Pitt's
friends.

It cannot be too strongly impressed upon the public, that the fundamental and pervading principles of Lord Hardwick's mission, first under Mr. Addington, and then under Mr. Pitt, were to oppose generally, but efficiently, the two leading and vital points for Ireland, Catholic emancipation and Parliamentary reform. Proportionate latitude of discretion and power was allowed him in other matters, provided he could persuade or restrain the people from bringing forward either of those two important questions. Lord Hard-

with his friend, Mr. Alderman James from Dublin, to present a petition to the Imperial parliament for redress, on the ground of his having been dismissed from office, merely for having opposed the Catholic claims.

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wicke, who had found by four year's experience, that with the abatement of the ferocity of the terrorists, the unaccountable immolation of one Protestant victim (J. Giffard) and the ostentation of favour and kindness to some of the Catholic body, he reconciled them to his government, and disposed many to hold back their claims and wishes upon the two ruling and proscribed points, affected to assume personal consequence upon some matters of state, and dared to differ from Mr. Pitt. Whether the alteration of that minister's temper or conduct were ascribable to corporal ailments or political disappointments, may be uncertain; yet at no time of his life had he so disagreed with the persons acting under him. His former dictatorial power seemed to have left him. Not only had Lord Sidmouth and his partizans twice deserted him, but his old trusty tool in the coercion and monopoly of power in Ireland, Mr. Foster, had risen against him, and Lord Hardwicke had found his mandates to the Irish government out of the range of the two pledged cases, so unwarrantable and overbearing, that his Excellency had resolved to tender his resignation. In forcing the Union upon Ireland, Mr. Pitt had further views than to weaken and degrade the country. Aware of the danger of continuing the political power of the country in the hands of native monopolizers, who might treacherously rise upon him, as Mr. Foster had in the matter of Union, his object, thenceforth, was to secure, under the

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master key of the British minister, that fund of power, the direction and controul of which he had, for so many years, unfortunately let out to the triumvirate, Clare, Beresford and Foster.

Mr. Foster
discounte-
nanced.

No man knew better than Mr. Pitt the sagacity and fleetness of Mr. Foster, in putting up and running down his game. The minister had not forgotten his former services, and anxiously wished to restore him to his pack. The mock repentance of mock patriotism was instinctively and instantly confessed and forgotten. But the apostate, in being re-admitted to the grace and favour of the premier, vainly imagined himself reinstated in that quality of arbitrary rule, which under the old firm, he had so long and so successfully exercised. That neither answered the ends of the British minister, nor of his Irish Lieutenant. Mr. Foster presuming, that by his appointment to the Chancellorship of the Irish Exchequer, he had acquired the unlimited controul of the financial concerns of the whole country, displeased Mr. Pitt, and offended Lord Hardwicke. To such a height had the difference between Mr. Pitt and Mr. Foster arisen, about a fortnight before the prorogation of Parliament, that on the 2d of July, Mr. Foster took his seat on the opposite side of the House. So penetrated, however, was the public with the lust of place on one hand, and the want of drudgery of *all-work* on the other, that they refused credit to the symptom, formerly deemed unequivocal, of a minister's resignation. At no time of Mr. Pitt's administration was the cabinet so divided as

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at present. This contentious discord arose, not out of any broad difference upon political principles or opinions, but from rival voracity for patronage and place. Mr. Foster had outstretched his own views by so framing some of the financial bills, as to secure to himself a large share of that patronage, which would naturally have fallen into the hands of the Chief Governor and the First Lord Commissioner of the revenue. As neither Lord Hardwicke nor Lord Donoughmore had ever concurred in all the politics of Mr. Foster, they quickly resented this attempt to lessen their patronage, and considering the measure sanctioned by Mr. Pitt, into whose confidence Mr. Foster had worked himself, with a view to regain his old dominion over Ireland, their displeasure and opposition to both manifestly appeared. Mr. Pitt, however displeased, was at that moment too closely pressed with desertions and difficulties, to dare openly to resent the insult. The bills were gotten rid of in the Commons, by motions to take them into consideration at distant days. This afforded Mr. Foster the immediate pretext for resignation. Mr. Pitt too highly valued his experience in wielding the political power of Ireland to accept of it. Mr. Foster's feelings and principles had ever an innate aptitude to square with his interests. He had long lost the popularity, which his forced patriotism, in opposing the Union had for a short season procured him. His countrymen beheld him once more co-operating with Mr. Pitt and Lord

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Castlereagh, and considered him, of course, re-
 animated with all the fierceness of his former pro-
 scriptive and oppressive disposition to the country.
 They rejoiced consequently in the loss of the bills,
 by which he had sought to alter without improv-
 ing the public boards, to contract the functions of
 the executive, and depress a justly favoured cha-
 racter, (the Earl of Donoughmore,) of his official
 patronage.

Further de-
 cline of Mr.
 Pitt's in-
 fluence.

Other causes concurred to render the situation
 of the viceroy at that time so unpleasant, as to
 have induced him repeatedly to solicit his own
 recall. Persons notoriously devoted to the nod of
 Mr. Pitt were named as likely and proper to suc-
 ceed him. Mr. Pitt's inordinate pride had never
 before experienced any thing like resistance from
 any of his servants, and such he considered every
 member in every department of his administration.
 Lord Hardwicke had, throughout his whole go-
 vernment, been punctiliously observant of his
 original pledge, when he accepted of his mission
 from Mr. Addington, and continued it under Mr.
 Pitt, to keep back, smother and resist the two ob-
 noxious questions of *Catholic emancipation and*
Parliamentary reform, by the most soothing
 means in his power. Out of the operation of that
 pledge, he was left by the British cabinet, and
 had generally found himself practically uncon-
 trouled in his administration of the executive in
 Ireland. He became consequently the more sen-
 sible of Mr. Pitt's attempt to narrow his discretion
 and powers. Reflection awakened him into a new

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sense of his dignity and independence. He repented his folly in having himself given untroubled discretion and powers to the subalterns of the Irish government; who, he had not the sagacity to perceive, were more the agents of the British Cabinet, than servants of the Irish Viceroy. Mr. Pitt had now personally offended by encroaching on the Vice regal patronage: and Lord Hardwicke was determined, that his resentment should be also personal. His Lordship was judicious in taking issue with the British minister, upon a point favourable to Ireland. Though he foresaw, that victory would be followed by retreat, he was resolved, that it should not even be attempted, without previously possessing himself of an unassailable position. He secured to his own family the office of Clerk of the Pleas of the Court of Exchequer in Ireland, by putting the great seal to the grant of it after the death of the Earl of Buckinghamshire, for the lives of himself and his two sons and the survivor. The place is a sinecure, generally estimated a £16,000 per annum, and is considered to be the best appointment in the gift of the Irish government.

The grand struggle for power between the Premier and the Viceroy was a remote consequence of the Union; carrying upon the face of it the characteristic features of that state juggle. So essential for his system did Mr. Pitt find the services of his Irish friends up to the Union, that the ineffectual opposition given to it by some few of them he readily forgave, and anxiously courted them to fall

Mr. Pitt,
Lord Hard-
wicke and
Sir Jonah
Barrington.

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back into their old ranks, and rally once more round the principles, upon which he had brought Ireland into its present state of debility and degradation. Mr. (now Sir Jonah) Barrington, Judge of the Admiralty Court in Ireland, had been raised to that situation for his long and faithful services to the Irish government with an annual salary of £800. The judicial duties of the situation were so light, as not to break in upon the functions of a practising barrister. He became moreover one of the most active and powerful opposers of the Union by his pen and tongue, both in and out of Parliament. The principles and manner of carrying that fatal measure appeared to have operated an entire change in his political sentiments and conduct; and he early took the resolution, in concurrence with Mr. Charles Ball, the barrister, who had also taken a determined part against it, to transmit to posterity a faithful record of the whole infamy of that transaction. Before the Anti-union fervor had abated, they collected all the documents, which would disclose to posterity the means, by which the measure had been forced through Parliament against the avowed sense and feeling of the Irish nation. The history was finished and put to press in London, in July 1803. Sir Jonah Barrington went over to superintend and manage the work. He had several interviews with Lord Pelham, then Secretary of State: and no more was heard of the history of the Union during the Addington administration. Great preparations had been made to give effect to

the work, which the author habitually pronounced *the death warrant of the hopes of Ireland*. Drawings and engravings of the principal performers in that eventful tragedy were procured from the first artists, and every aid of type and paper were to be used, to add lustre and consequence to the interesting substance of the contents. It was more generally known, that the work had been put to press, than why no progress had for a time been made in it. Upon the first intentions of publishing this work, it was more a matter of boast and recommendation than secrecy, that Mr. Foster had furnished the authors with many interesting anecdotes, and proofs of particular sums of money paid to persons for borough interests and accommodation, douceurs for resignations, or occasional absences from the House of Commons, for particular speeches in Parliament, for a variety of positive and negative services purchased by the managers of the Union: and amongst other valuable documents, was a copy of a long and curious correspondence between Mr. Pitt and Lord Castlereagh, relative to the expedients and means of forcing the Union. For impressing more deeply upon the public the authenticity of the documents, the authors had gone to the expence of engraving *fac-similes* of several of the most important letters, and drafts for *Union service* monies, which were generally given upon Beresford's bank. Some time after Mr. Pitt's return to office, Sir J. Barrington revisited London, and resumed his intentions and shew of publication. Mr. Foster, who had again

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thrown himself into the arms of Mr. Pitt and Lord Castlereagh, after having completely expiated the solitary crime of having once fought (though unsuccessfully) for Ireland, apprized them of the variety of authentic documents, with which that history might be supported. Their alarm and agitation drove them to their old practices : and to prevent detection, they undertook to purchase suppression ; with attention, however, to the other contracting party, in the most honourable manner, that they could devise. A negociation was accordingly set on foot, through Mr. H. Alexander, a former political friend of all parties, and a man of tried fidelity in the school of Pitt. It was soon settled by these negociators, that £800 per annum was a very insufficient charge for a Judge of the Admiralty in Ireland ; that, in order to give full dignity and effect to the situation, the salary should be raised to £2500, which would place the Judge of the Admiralty on a footing with the *puisne* Judges of the Common Law courts, and enable him to discontinue the practice of his profession. The terms were settled in London between the minister and the historian, without any communication with the Lord Lieutenant ; he was, however, not ignorant of them. The moment he was officially apprized of the object of the minister, he took strong objection to the measure ; alledging, that the place, for which they were about to make so splendid an allowance, was nearly a sinecure, and that he could never consent to encrease the burthens of an oppressed people by extravagant and

and unmerited public charges. His Excellency also observed, that he ought to have been consulted in the first instance, before any proposal had been made; and much more so, before any engagement had been entered into. This unexpected firmness in an Irish Lord Lieutenant astonished and confounded Mr. Pitt. Within very few days something little short of an absolute command, went to Mr. Long, the new Secretary, that the Lord Lieutenant should sign the warrant for the encrease of Mr. Barrington's salary; which Lord Hardwicke peremptorily refused. Ireland is trebly indebted to Lord Hardwicke for this first, though late resistance to the mandate of the British minister. It was an assertion of the dignity and rights of the King's Vicegerent: it eased the country of a perpetuity of £1700 *per annum*. and prevented the suppression of an able and interesting work, of which two numbers of a most splendid edition have kindled a desire in the public to be gratified with the remainder.

On the very day before the Parliament was prorogued, a trial came on in the Court of King's Bench, Westminster, *Troy v. Symonds*, which, in as much as it was national matter, ought not to pass unnoticed. It had been intended and expected to be tried long before it was actually brought on. The most rev. Dr. Troy, the Catholic or (as he is commonly styled) titular Archbishop of Dublin, was the plaintiff, and Mr. Symonds, a bookseller in *Pater Noster Row*, London, the publisher of the *Anti Jacobin* review, the defendant. The action was

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Case of
Troy v. Symonds

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brought (and Lord Ellenborough observed in his charge to the jury, *very properly*) in England, by the plaintiff to recover damages for an injury, which he complained he had sustained from a publication in the *Anti Jacobin* review, which traduced him as a disloyal person, and consequently as bringing a scandal upon the religion, of which he was not only a professor, but a guardian and church governor. A verdict was found for the plaintiff in £50. With respect to the mediocrity of damages, it is to be observed, that his counsel, Mr. Erskine, in that regard, followed his instructions, when he closed his address to the jury in these words: "Dr. Troy asks nothing of you, but
 " that he may be considered as a subject of this
 " country, and that under the law of England his
 " character may be protected."

Grounds of
the trial.

The circumstances, out of which this action originated form a leading feature in the system, which this history professes to develope as much in detail, as evidence will support. It is matter of notoriety, that the periodical work called the *Anti Jacobin Review* was set up with (perhaps a fair and honourable) intent of writing down the pruriency of democracy, which, about the beginning of the French revolution was apprehended dangerous in its example and consequences. Some persons (all clergymen of the establishment) of respectability were known in England to contribute their talents to the work. To make head against irreligion, and the general hostility to regular government was the original and laudable in-

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tent of the British writers for the undertaking. In extending the object to Ireland, where bigotry and virulence rankle with a luxuriancy unknown to England, these advocates for religion and order engaged some over-zealous disciples to write for the Western part of the British empire. These persons, amongst whom prominently ranked Sir Richard Musgrave, conceiving themselves licensed, and not unfeeling purveyors of intelligence to the *Protestant ascendancy*, appreciated their services and hire, in proportion to their misrepresentation and calumny of their Catholic countrymen, their clergy and their religion. With a view to criminate and injure the Catholic religion through their chief spiritual superior in Dublin, these malignant scribes for the *Anti Jacobin* attempted to exculpate the gross improvidence of the Irish government, in July, 1803, and throw the guilt of Emmet's insurrection upon Dr. Troy's misprision of treason, on this stupid and wicked affectation of reasoning. The Catholic religion imposes the obligation of confessing every mortal offence; rebellion is such; and therefore it is confessed by every Catholic perpetrator of that sin to his priest. The arch-bishop or superior of such priest must know what is confessed to his inferior or subject, and therefore is apprized of every insurrection in the state, and consequently guilty, at least, of misprision of treason, if he reveal it not to government. The *Anti Jacobin* review then was, as it still continues to be countenanced and encouraged by government. Dr. Troy, therefore, had

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no other method of retrieving his own, and the character of his religion, of which he was a guardian and governor, than by instituting a suit at law against the malicious libellers of both.* He therefore brought this action.

* The libel of which he complained was contained in the *Anti Jacobin Review* for July, 1804, and is expressed in the following words :

“ Nothing affords such strong evidences of Popish dissimulation in Ireland as the exhortations of the Romish clergy,* and the loyal addresses of their flocks. They are commonly found to be sure presages of deep-laid conspiracy against the Protestant state ; and after it has exploded in rebellion, their clergy generally lament from the altar the delusions of the people, and their treasonable conduct towards the best of Sovereigns, and the only constitution, that affords any degree of rational liberty ; though from the nature of their religion, they must have known, and have prevented it. The dreadful rebellion of 1798, accompanied with such instances of Popish perfidy, must convince the reader, that no reliance is to be placed on the oaths or professions of Irish Papists to a Protestant state. Dr. Troy must have known all the circumstances, which preceded the insurrection in Dublin, on the 23d of July, 1803, and yet he did not put Government on their guard. The present Administration are convinced of his treachery on that occasion, and yet, for many years past, he had been treated at the Castle with the utmost respect, and even received favours for some persons of his own family. His exhortation, then, to which Lord Fingal alludes, must be considered as a mockery of the State, and an insult to the understandings of his Protestant fellow-subjects, and an unquestionable testimony of his want of candour.

“ By his orders, exhortations, composed by himself, were read in many Popish chapels in his diocese, on the morning of the 24th of July, and a few hours after the insurrection and massacre had taken place in Dublin. The reader must be convinced, by the following moral evidence, that these exhortations were framed previous to that dreadful event ; there was no allu-

It appeared clearly upon the trial, (the Defendant produced no evidence) that Dr. Troy wrote the short exhortation, which he enjoined his clergy to read to their congregations in their respective chapels, as well as the exhortation itself on the Sunday (July the 24th) after, and in consequence of the unforeseen and unexpected explosion of the preceding night. Both were printed and distributed on the Monday morning. The injunction to the Roman Catholic clergy of the arch-diocese of Dublin, was to read in the chapels and communicate as generally as possible, during the ensuing fortnight, the accompanying exhortation, and as much longer as they should find it expedient: re-

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Effects of
Anti Catho-
lic prejudi-
ces.

sion to it in any of them; and the distance of the chapels, in which they were read, from the metropolis was so great, as to make it physically impossible, that they should have been framed and sent to them, subsequent to that catastrophe. The rebellion of 1798 broke out on the night of the 23d of May, and notice appeared early on the morning of Thursday the 24th, in the Dublin Journal, to Roman Catholics, that an address to the Lord Lieutenant, intended to be immediately presented, and containing a declaration of political principles applicable to the times, lay at certain houses for signatures; and it stated, that all signatures must be given in on or before Saturday next, viz. on the 26th of May. The names of persons were subscribed to it, who lived in various parts so remote from the metropolis, that they could not have been informed, that it was in contemplation. It was entitled, "The Address of the Roman Catholics of Ireland," though the contents of it could not be known to any of them, except to those in Dublin and its vicinity; for they were not allowed two entire days to subscribe it. The names of twenty-eight titular or Popish Bishops were subscribed to it, though some of them lived 150 miles from the metropolis."

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lying upon their experienced loyalty to promote peace and good order, and to prevent any attempt to disturb either.* The short address is a pointed

* This action would not have been noticed, but as an elucidation of a part of the general system pervading both cabinets to decry, debase and calumniate that portion of his Majesty's subjects, who have not as yet discovered efficacious reasons for renouncing the religion of their Christian ancestors. With much less reason could the author have presumed to arrest his reader's attention to a most insignificant individual, unless the coincidence of circumstances had demonstrated, that even a King's counsel would so let himself down as to resort to the systematic license of misrepresenting, traducing and calumniating any subject of his Majesty, because he professed the Catholic faith. The more humble the object, the more important the attack. Mr. Garrow, who, to the amaze of many, is at the head of the English bar, was of counsel for the defendant. On the day after the trial, the author read a report of it in the *Morning Post*, and was not lightly surprized, at Mr. Garrow's wilful and malicious misinterpretation of a passage in his *Historical Review of the State of Ireland*. He then felt it a duty to the country, of which that work was an *Historical Review*, as well as to himself to send the following letter to the publisher of that paper, and it appeared next morning :

“ TO THE EDITOR OF THE MORNING POST

“ Sir,

“ Having read in your paper of yesterday a report of the trial, *Troy v. Simmons*, I was surprised to find my name quoted by Mr. Garrow, for a purpose which even his ingenuity and assurance failed in connecting with the case of his client. This is one out of many attempts from apparently respectable quarters, to distort and misrepresent my *Historical Review of the State of Ireland*, where it cannot be refuted. Argument and inference rest upon the ingenuity of counsel, quotation upon his veracity. He alluded (says your report), to the *History of Ireland by a Catholic writer*, (*Mr. Plowden*), who had written one chapter to shew — Why of necessity Priests must be engaged in rebellion, who

address to his flock to be aware of the insidious promises of an undefined equality and liberty to

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had said, that unless they rolled with the wave they were left on the beach.

“ Had Mr. Garrow faithfully quoted me, he would not have converted a short note into a whole chapter, nor have retailed to the jury as the words of a Catholic historian, those which were expressly quoted from a Protestant bishop, the Rev. Dr. Stock, who is still living to explain and defend them. In my 31. Vol. (p. 716) is to be found the following note, upon which the reader will make his own observations and comment :

“ The Bishop of Killala has, in his narrative of what passed at Killala in the summer of 1798, (p. 82.) given the following reason, why in every popular commotion in Ireland, some Roman Catholic priests will probably be found concerned in it :”—

“ The almost total dependance of the Romish Clergy of Ireland upon their people for the means of subsistence is the cause, according to my best judgment, why, upon every popular commotion many priests of that communion have been, and, until measures of better policy are adopted, always will be found in the ranks of sedition and opposition to the established government. The peasant will love a revolution, because he feels the weight of poverty, and has not often the sense to perceive that a change of masters may render it heavier ; the Priest must follow the impulse of the popular wave, or be left behind on the beach to perish.”

Essex-street.

“ FRANCIS PLOWDEN”.

He now finds himself more than amply justified in writing this letter, by the subsequent publication of Mr. Garrow's *eloquence*, as taken by Mr. Gurney in short hand. He was the less excusable for the falsehood and misrepresentation, because it appears from that report he had the book with him in Court. For he said (p. 57) “ I think Mr. Plowden would have abundantly better ground to support an action against the writer of this article, for the observations, which he has made on his four volumes, one of which I hold in my hand, and shall have occasion to

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be licentious, holden forth by many modern constitution makers, by specially referring to all the

“refer to presently.” In order, however, to keep in unison with the anonymous libellers of the *Anti Jacobin*, he solemnly and reflexedly quitted truth and candor, as must appear to every one, who compares the quotation with the context (p. 71, 72.) “I had the curiosity to look into a book on the subject, which lies before me, written by a learned gentleman of our profession, Mr. Plowden; I had been reading it as I was travelling, and was struck with a passage which I wanted to shew to a friend; I could not find it readily; I knew Mr. Plowden was a man of method; I thought he would have an index to his book; I turned to his index; I thought the thing I wanted to find would be under the title *Priest*; I found the reference “*Priests*, p. 116.” just as a man writes in his common place book, “actions upon the case.” Then under that: “Goods sold and delivered,” What do you think is written under *Priests*? Why—“some Roman Catholic priests always must be found in a rebellion.” Now what do you think is the argument of this gentleman why some Roman Catholic priests always must be found in a rebellion? I will tell you what his argument is: He says, “Whilst the Roman Catholic priests are so dependant upon their flocks as they are, it is impossible, if there be an insurrection or rebellion, that they should not join with them. Why? Because the people will always be disposed to rebellion, in the hopes of bettering their condition, without considering the sad reverse that may happen upon it: and the priests being so connected with the people, must either roll upon the wave or sink with the people, and that accounts for why in the rebellions of Ireland we have had a pretty sprinkling of priests; but I would not do any body injustice, because I find that a person interested in the character of a Roman Catholic priest in Ireland has published a catalogue of persons found in this situation, and it is but fair to those, who are respectable, to distinguish them from such persons; there is not one, I believe, that has not, after he was gone, been found to have been a desperate reprobate through life.”

first horrors of the French revolution, which ran into a frightful anarchy, and then settled in an atrocious despotism, under which the most violent disturbers of the ancient order of things insufferably laboured. It ended with a pathetic admonition to them, not to be deceived into ruin, as many of the States on the Continent had been; but to follow the divine injunctions of God, which applied to all times and all circumstances, which they had been taught in their catechisms, as it was recorded in the holy scriptures, and would bind the Catholic Church to the end of time: "Fear God, honor the King, obey and respect your superiors, &c."

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Towards the close of Trinity Term 1805, the public was gratified with a scene in Dublin, which produced the happiest effects. On the sitting of the Court of King's Bench, Mr. Hamilton Rowan appeared at the bar, when the Attorney General informed the Court, that he attended on behalf of the Crown, in order to consent to the reversal of this outlawry, and asked Mr. Rowan, what he had to offer to the Court, why judgment should not be pronounced against him. Mr. Rowan then handed in the record, observing, that he was advised, there was error in fact upon it. The Attorney General informed the Court, that he had a warrant from the Lord Lieutenant, authorizing him to confess the errors assigned: upon which Mr. Curran moved, that the outlawry should be reversed, and it was ordered accordingly. Then Mr. Rowan

Pardon of
Mr. Hamilton
Rowan.

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having been formally put to the bar, the Clerk of the Crown shortly stated the indictment against him for high treason, and put the question to him, guilty or not. Mr. H. Rowan pleaded his Majesty's gracious pardon, and handed in the letters patent under the great seal and enrolled, which having been allowed, he addressed the Court in a dignified and impressive manner. He expressed the warmest sense of his Majesty's clemency, not only for his own restoration to all his civil rights, but more especially for the favourable indulgence and protection, which his wife, his children, and his family had experienced during his absence and legal incapacity. His feelings were not pressed upon by any call for a formal renunciation of his political opinions, nor was reference made to them by any other person in Court. The Chief Justice then addressed Mr. H. Rowan to the following purport. "Mr. Rowan, from the sentiments you have this day expressed, I trust, that the public will feel, and your future conduct will prove, that his Majesty's pardon has been worthily bestowed." Mr. H. Rowan bowed respectfully and retired; evidently strongly affected; as was the whole Court, which was unusually crowded.

Lord Castlereagh vacates his seat for Down.

The defection of Lord Sidmouth, the impeachment of Lord Melville and consequent shiftings in the Cabinet created the necessity of Lord Castlereagh's vacating his seat for the county of Down, in order to accept of the office of Secretary of State for the colonies and war department. The disgraceful result of the election on that vacancy to

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the ministerial candidate, inflicted a fresh and deep wound in the humiliated and harassed mind of Mr. Pitt. It brought to a genuine test the real sentiments of the public in Ireland upon the merits of his system. Lord Castlereagh from his entry into political life, had been considered the most abject tool of that haughty minister in all his designs upon Ireland. Before the tender of his services to Mr. Pitt, he formally read his recantation of all the popular principles, under which in the year 1790 he had worked his way into the representation of the independent and high spirited county of Down. In no part of the abandoned process of forcing the Union had the minister's profligacy been more barefaced and base, than in erasing the name of the late Marquis of Downshire from the list of privy counsellors, removing him from the government of the county, which his ancestors had uninterruptedly enjoyed, depriving him (who was the father and founder of the Irish militia) of the command of the regiment of the Downshire militia, and displacing him from the office of Register in Chancery, in which he had surrendered his life interest upon the proposal of the government to grant the reversion of the place to his two elder sons : and all this was effected, merely because *his principles* summoned him to oppose that fatal measure*. The loyalty and patriotism

* The vindictive littleness of government on this occasion betrayed itself in a pitiful display of its power by this most tyrannical abuse of it, with the intention of crushing a generous heart, the honest dictates of which had uniformly been obeyed by zea-

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of that distinguished nobleman were high spirited and principled. Up to the very hour of Mr. Pitt's

lous endeavours to promote the welfare of Ireland. The influence inseparable from the large possessions, rank, and well earned popularity of the late Marquis, was considered too powerful. Lord Cornwallis disgraced himself by the petulant boast, that he would humble the Leviathan of the North (as he termed the Marquis), and this for no other reason, than because his noble mind could not fail to revolt with indignation against every attempt made to fetter it. All temptation offered as the price of his own and his country's independance he rebuked. He despised the succeeding threats holden out to intimidate him, and boldly, though constitutionally, exerted himself in opposing what his judgment and conscience told him, was calculated to enslave and degrade his native land. The consequence of this patriotic integrity is well known. No sooner had he been violently dismissed, *unheard*, from all that he held under the authority of the Crown, than his fine regiment was divided into two battalions, and the command of them conferred upon persons of more pliable dispositions, his political enemies. The place of Register, which had come to him through the former Marquis, from his friend Sir William Cooper, and was the only situation of profit that his family, with all its power and opportunity to obtain what self-interest would have dictated, had suffered itself to possess, was also instantly bestowed (to his honour, unasked,) upon Lord Avonmore; and well may the inheritor of his noble father's fortunes and virtues rejoice, that neither personal aggrandizement nor sordid interest ever stained the honour of his ancestors. He may farther exult, that by the truly barbarous, revengeful, and contemptible conduct, which his father's fidelity to his country drew upon him, he is freed from the painful feeling, which the deriving of any emolument, however small (as that arising from this office was) at the expence of the people, could not in him fail to inspire. But the rancorous malevolence of the chief promoters of the Union did not stop here, for it displaced, *also unheard*, those who owed their situations not less to their services, attachment and merits, than to the friendship and influence of the Downshire family; and in order to compleat the disgusting pic-

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manifesting his unequivocal intent to force that baleful measure, he had uniformly given (perhaps improvident) credit to his Majesty's ministers for sincerely wishing to promote the welfare of his country. The unsuspecting generosity of a noble mind extorted from him a support, which the slightest mistrust would in its consequence have prevented. Rouzed at length by the drawn daggers of the assassins he flew to the pass. Traitors and accomplices were too numerous. He was unable to ward off the blow. He survived not long the deadly stab. His country's wound was his. And he employed the short remnant of existence in charging his sympathetic consort to infuse into the pliancy of his infant progeny a rooted execration of the corrupt perfidy of the murderers of his country, and rear them up in the principles of constitutional, liberal and wise policy*.

ture, (of which this is but a faint outline of, the indignity this patriotic family sustained) no sooner was the late Marquis departed, than the office of Lord Lieutenant and Custos of the county of Down, so ably and honorably filled by him and his ancestors for many generations was bestowed—upon whom? upon the Earl of Londonderry! the father of Lord Castlereagh, the patricide of his country's independance. Lord Castlereagh vainly fancied, that every feather plucked from the Downshire interest would enrich the still shooting plumage of the Stewart's (or rather M'Gregors:)

* This patriotic legacy was sacredly administered. And Ireland has the happiness of seeing the honors of the Downshire family vested in a youth, who seems consciously proud of holding rank and fortune for his country's welfare. The delicate and important charge of implanting the true principles of loyalty and patriotism in the mind of a young nobleman of such national

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Colonel
Meade pro-
poses to
stand for
county
Down.

No sooner was it known to the public, that Lord Castlereagh was about vacating his seat,

consequence, could not have been more fortunately delegated. The Marchioness his mother was supereminently qualified and sympathetically zealous to perform the injunctions of her martyred Lord. She was the niece and heiress of the late Lord Sandys: and to the princely fortune of her husband, the second Marquis of Downshire, she added the ample possessions of her uncle, as well as the concentrated patrimonies of several other noble and illustrious families. Beyond the possession of fortune and personal attractions, she brought into the Downshire family every quality and attainment, that can adorn and elevate the female mind. The names of her eldest son denote the sources of his maternal as well as his paternal inheritances, Arthur Blundell Sandys Trumbull Hill Marquis of Downshire. Ireland is largely indebted to her for numerous services, national and particular: above all for the successful culture of the minds of the noble issue, with which her short enjoyment of the marriage state was blest.

In their early bloom of virtue does their country hold an earnest of their sterling and inflexible patriotism. In the destinies of Ireland it is of no trivial import, that her transcendent excellencies have been justly appreciated by the illustrious personage most interested in the welfare and prosperity of that country. The Prince of Wales' repeated visits to Omberly Court, her Ladyship's residence in the country, speak without comment the estimation, in which she was holden by her Royal guest. As Ireland has begun to be cheered into animation by the glow of that political virtue, which Lady Downshire with such judgment and perseverance infused into her rising generation, what expectant extacies will attend the contemplation of her patriotism, sanctioned by the congenial conduct of the exalted personage, to whom this country looks up with confidence for every blessing. At a Gala dinner on his Royal Highness' birth day in August 1810, after the health of the Princess Charlotte of Wales had been proposed, the Prince addressed his company in a short, eloquent, and impressive speech, which was more of a national than

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than those, who had the honor and interest of the county of Down most at heart, sought for some steadfast and experienced enemy to the corrupt principles of Lord Castlereagh, who would come forward to oppose him. The Marchioness had certainly anticipated this anxiety. Lord Castlereagh had presumptuously solicited her interest. But his application is said to have met with a most spirited rebuke. At length the Hon. Colonel Meade, a son of the late Earl of Clanwilliam, a young gentleman of high military ardor, though of slight political experience, was encouraged to announce his intention of offering himself a candidate for the representation of that county. On that occasion the Marchioness of Downshire published a short address* to the freeholders of the

convivial purport. His Royal Highness said, that he had made it his first care to instil into the mind and heart of his daughter the knowledge and love of the true principles of the British constitution: and he had pointed out to her young understanding as a model for study the political conduct of his most revered and lamented friend Mr. Fox, who had asserted and maintained with such transcendent force the just principles, upon which the government under this excellent constitution ought to be administered, for the true and solid dignity of the Crown, and the real freedom and happiness of the people.

Hanover Square, July 16, 1805.

* The Hon. Colonel Meade having offered himself as a candidate for the county of Down, the prosperity of which we may be supposed to have much at heart, I beg leave for myself and dear son the Marquis of Downshire, to solicit your votes and interests in his favor. And I am fully persuaded, that should he be elected, his best endeavours will be used in promoting the

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county of Down. She went over with her two infant sons to stimulate and witness in person the triumph over corruption in the defeat of Lord Castlereagh, which was principally owing to her indefatigable exertions.

Lord Castlereagh privately canvasses his friends and ultimately fails.

Although Lord Castlereagh had not apprehended any serious opposition, it was afterwards discovered, that he had for some time before his intention of vacating his seat was known, privately canvassed, through his brother, the chief supporters of his interest in that county. They consisted of six or seven noble and other families of congenial principles with his own, most of the Orangemen and terrorists, and the dependants and connections of those clergymen and others, whose sons he had provided for at home or in India, or who relied upon his promises for appointments or promotions. His family interest in the county was comparatively very trifling. His own was merely personal, having no estate in it. He converted therefore the whole government patronage, as far as he could, to his election purposes. So powerful however had been the late change of political feeling in the county of Down, that even the treasury purse, influence and patronage could not on this occasion overcome the general execration of the principles of Mr. Pitt, and the servile perfidy of

true interests of Ireland in general, and those of our county in particular.

I am, your faithful and obedient humble servant,

M. DOWNSHIRE SANDYS.

1835.


his tool Lord Castlereagh. After a most determined contest and 13 days poll, Colonel Meade was returned by a majority of 450 ; which would have been considerably encreased, had not Lord Castlereagh withdrawn from the contest, after having exhausted all his resources. Not having apprehended so powerful an opposition, he had not intended to have gone over. In fact he only arrived on the 4th day of the poll. After he had declined the poll, he immediately set off on his return to London, execrated, humbled and disappointed. He was readily accommodated on his arrival with an English borough out of that ample store of venal seats in the Commons, which the minister holds at command, to answer the trade of Parliament, and which are therefore called *Government Boroughs*. This triumph over political profligacy in the county of Down was hailed by the nation at large, as the first atchievement of the young Marquis, by whose future labours they joyfully contemplated the strangling of the monster of duplicity and corruption*.

* The cheering confidence transfused through the county of Down by the successful stand on the young Marquis' interest against the expiring influence of the Castlereagh party, has been recently encouraged by the election of a treasurer for the county of Down in January 1811 ; when his Lordship's friend the Rev. Mr. Hamilton was elected by 51 votes against 36. Such a superiority of the magistrates of that respectable and flourishing county, backed by the single interest of the Marquis of Downshire against the concentration of all the Castlereagh and ministerial forces of the North, marks the progress of political virtue towards that ascendancy, under which alone Ireland can become free, happy, and prosperous.

1805.

Decline of
Mr. Pitt's
health, &c.

As the various combinations of Mr. Pitt's system drew to their natural results, the effects of disappointment and failure shewed themselves not less visible upon the mind, than upon the body of that ambitious minister. His temper was soured, and his disorder encreased. Even his panegyrist Mr. Giffard* says, that many of his friends about this time fell off, influenced by the declining state of his health: and had Mr. Pitt's administration continued, it appeared certain, that serious differences would have soon occurred in the Cabinet, which would have left him in the minority. After the recess, he kept as much as possible from public business. He sent over Mr. Long the new Irish Secretary, to endeavour to settle the differences between Lord Hardwicke and Mr. Foster concerning the patronage of the revenue and other matters: but not with the desired effect. Lord Hardwicke rose in tone and consequence, in proportion as Mr. Pitt declined in health and influence. His Lordship had solicited his recall, and appeared anxious to close his viceregal career with more independance, than he had exhibited at any period of his administration. The indecision and wavering of Mr. Pitt was the only reason, why his successor was not appointed. Lord Hardwicke made a tour into the province of Connaught, and from his answers to the different addresses presented to him in the course of his progress, appeared to be most sensibly affected with the expressions of ap-

* He has written his life in 6 volumes 8vo.

probation of his *mild, conciliatory and just* management of his Majesty's Government, which were contrived to be inserted in all the addresses from the corporations and other public bodies. As in the first year of his administration he courted the Protestant ascendancy by rewarding Sir Richard Musgrave's zeal and hardihood in reducing his Catholic countrymen, by appointing him to the collection of the Dublin City Excise, so in the last year of it he sought to sooth the opposite party by peace offerings, displacing Mr. Giffard the loudest Protestant declaimer against Catholic Emancipation, and putting the nephew of the Catholic Primate of Dublin into the collection of the Customs of Baltimore. Nothing further worthy of notice happened during the remainder of Lord Hardwicke's administration in Ireland. The Earl of Harrington succeeded Lord Cathcart as commander in chief: and the Right Hon. Staudish O'Grady was appointed Lord Chief Baron of the Exchequer in lieu of the late Lord Avonmore. Some other less important movements were made in the law department.

So certain was the appointment of Lord Hardwicke's successor considered, that the time of the Earl of Powis' departure for Ireland to take possession of his new government was spoken of in the government prints, as fixed for the middle of January. On the 20th of December a post assembly was holden in Dublin for the purpose of voting an address to the Lord Lieutenant, upon his resignation of the Government of the country.

1805.

Address to-
Lord Hard-
wicke on
his depar-
ture.

1805.

The address was moved by Mr. Shaw, one of the city members: the gentleman who had voted against the Catholic question *by the instruction of his constituents*, as he so specially informed the House of Commons on that memorable occasion. The address was carried without a division: and it was voted, that it should be presented to his Excellency in the most respectful and distinguished manner. On the 2d of January the corporation of the city of Dublin waited upon the Lord Lieutenant at the Castle with the address, lamenting that he was shortly to take leave of the country, and expressing their warmest approbation of his management of the government. The Lord Mayor headed the procession, which consisted of eight aldermen and about one-fourth of the commons. This thin attendance on the presentation of the address was occasioned by the late division of the corporation into two parties upon the act passed last session respecting the Dublin paving bill. The present policemen, and the policemen that were to be, formed the ground of difference. The prevailing numbers were for the new policemen. The abuses and inconveniencies under the old policemen were enormous.

Meeting of
Opposition
and decline
of Mr. Pitt.

The total failure of all Mr. Pitt's plans on the continent, and the vast ascendancy, which Napoleon had acquired by his late conquest and treaty had filled the unbiassed part of the British nation with dissatisfaction and dismay: and once more casting their longing eyes to peace, they loudly cried out for a change in his Majesty's ministers, as

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the only sure means of attaining it. The leading members of the Opposition met at Lord Albe-
marle's to discuss the imperious necessity of put-
ting an end to the disastrous system so obstinately
persevered in by Mr. Pitt. Mr. Fox spoke de-
cidedly for peace, as he always had done. Even
the war party came in, and Mr. Windham spoke
warmly for peace, and then, for the first time, de-
clared his abandonment of the pursuit of the war,
as it must thenceforth be directed to an unattain-
able object. Lord Grenville was not present, but
sent his written opinion for peace. Mr. Fox there-
upon hailed the country upon their perfect unani-
mity for a safe and honorable peace. So confident
was the nation of Mr. Pitt's inability to retain his
situation, that a list of the new ministry was
handed about on the day of that meeting of
the Opposition, which was the 10th of January;
and it varied slightly from the subsequent appoint-
ments. From the preceding Autumn Mr. Pitt
had manifested such unequivocal symptoms of rap-
id decline, that his physician (Sir Walter Far-
quhar) found it requisite in December to accom-
pany him to Bath; not so much for the benefit of
the waters, as to withdraw him from public busi-
ness, and the insupportable mortification of read-
ing the dispatches, which were daily arriving with
the humiliating accounts of the failure of all his
continental plans. The more thinking of his own
friends were sensible, though they shrunk from
avowing, that notwithstanding he could keep in
depression, and refuse freedom to his Majesty's

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Irish subjects by trained majorities in Parliament, notwithstanding the prowess and experience of British seamen had* triumphed over the enemy, yet, as arrogant and vain men ever pride themselves most in their greatest weakness, so Mr. Pitt's humiliation at the total failure of all his continental projects preyed upon and depressed his spirits more, than his power and influence in the senate, or any aid of medicine or application of philosophy could counteract. The dreadful catastrophe produced by his measures on the continent, stared him so strongly in the face, that for the first time he diffided in his own oratorical powers of declamation and seduction, and shrunk from the thought of meeting his opponents in Parliament.*

* There never was any personal confidence or congeniality of principle or sentiment between Lord Nelson and Mr. Pitt: He claims, therefore, no other share in the memorable victory gained off Trafalgar, on the 21st of October, than yielding (in this single instance) to the pressure of the times, by appointing the immortal Nelson to the command of the fleet, in preference to any of his own favourites or creatures.

† The campaign was only opened in September, and Napoleon, with the velocity of the eagle, marched into the heart of Germany, and took an Austrian Army, under General Mack, prisoners at Ulm. On the 2d of December, he gained the renowned victory of Austerlitz, which was followed by the treaty of Presburgh, signed on the 26th of the same month; which dissolved the new confederacy, and blasted Mr. Pitt's last hopes on the continent. As it has become fatally notorious, that Ireland has been brought to her present state of infelicity and depression by the system of Mr. Pitt, and can only be raised out of it by following up the opposite principles and liberal policy of Mr. Fox, the contrast of the opinions of those rival statesmen upon matters of great state policy must be instructive and gratifying

Austria dismembered, Russia debilitated, Prussia neutralized, if not treacherously gone over to the

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to every well wisher to Ireland. When, in the preceding June, Mr. Pitt proposed a general vote for foreign subsidies, Mr. Fox, with that intuitive knowledge, with which he was pre-eminently gifted, warned Austria against the risk, and his own country against the disastrous consequences of being vanquished. His prophetic words are too awful, and stamp too deep an impression upon the value of that great and upright man's opinions, to withhold them from the reader. "No man can tell what will be the issue of the war. But when we look to the past, I would ask, with what rational hope, with what rational ground of success can such a war as the last be entered upon? Is it intended, that at the present season of the year, when Austria is unprepared, any operations should be undertaken, or only, that every thing shall be prepared to carry on that war in the next campaign. If Austria move, and the consequence should be (what is not improbable) a serious disaster, what would become of our hopes of continental connections? What of the liberties of Europe? What of the prospect of setting limits to the power of France? A power justly considered already too formidable. Under such circumstances, and with this knowledge, it becomes wise men, Mr. Speaker, to consider well, before they grant any money, whether the chances be not a hundred to one against any success. The manner, in which the matter is proposed, weighs much with me. Had we remained at peace (as I devoutly wish we had) and that Austria, Russia or Prussia had applied to us for assistance in *their* quarrel, no man would be more ready than myself to agree to the grant. But when we have dashed singly into the war (and as was argued last night) for the purpose of *rouzing the powers of Europe* by our example (which we can only exhibit in cases of invasion), that puts the question on a different footing. I dislike the phrase, *to rouse Europe*; because the attempt to do so has just the effect of producing a disinclination to co operate with us. Every one knows, that the character of the British government in Europe is, that it is *actuated by selfish motives in instigating the*

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enemy. Hanover lost to the King of England, and the British troops too late in the field to cause

“ *powers of the continent to war for British interests.* I hope this
 “ is a false opinion : but if the attempt to instigate the powers
 “ on the continent to a renewal of hostilities, while they wish
 “ to remain at peace (whether for the purpose of regaining
 “ strength, recruiting their finances, or for whatever reason) it
 “ will alienate the affections of Europe more and more from us.
 “ If Austria embark alone with us in the war, she cannot use
 “ her exertions with advantage to herself or to us : the interests
 “ of both will be identified, cannot be separated, and conse-
 “ quently neither can enjoy the full benefit of her exertion.
 “ This is a ground with me for thinking the result cannot be fa-
 “ vourable. Austria will be driven to the alternative of conclud-
 “ ing a treaty, under the same circumstances as those of Leoben
 “ and Luneville, and to submit to such terms as France shall
 “ dictate. For it is contrary to all experience and history
 “ to suppose, as has been argued, that being engaged to Russia
 “ and England, she should be bound to hold out *to the last*.
 “ No country can by any treaty be bound to its destruction,
 “ and to lie down under its ruin. But put it, that Austria should
 “ hold out to the last ; might not that conduct endanger the total
 “ extinction of that power in Europe ?

In reply to these warnings Mr. Pitt urged the common place argument, that all war is attended with risk and failure : and tauntingly asked, if all the powers of the continent, for fear of making themselves worse, were to submit to the continual aggressions of France ?

Mr. Fox again rose and said, “ It is not a mere general possibility of failure, that is to be apprehended from rousing
 “ Austria into a new contest ; but the great probability, from
 “ the peculiar circumstances of the case, that Austria is unequal to a new effort : and that a premature effort, so likely to
 “ fail, may at once put an end to the hopes of limiting the ascendancy of France at any future period. I stated last
 “ night, that the chance of loss, in this case, appeared to me
 “ to be considerably more, than the chance of any advantage.
 “ This applied also to those powers, which we wish to instigate

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any important division against the enemy, or reap any solid advantage to the country, were facts too glaring to be discredited by assertion, or glossed over by the magic of delusive and lofty declamation. The minute and literal verification of Mr. Fox's recent prediction of the consequences of forcing Austria to her ruin, threw him into a sullen despair, from which he never rallied. Of the two prominent supports to his tarnished administration, Lord Melville was then pleading to his impeachment, in the House of Lords, and Lord Castlereagh had returned from his own country, steeped in disgrace and contumely, for the infamous and foul part he had played under Mr. Pitt in the baleful measure of Union. The nature of Mr. Pitt's complaint baffled all the art of Physic, and he was conveyed by easy journeys to his house on Putney heath near London: and because he had not appeared to suffer much from the fatigue of his journey, it was generally reported, that he was no longer in danger. Hopes even were thrown out by his most interested dependants, that he would soon resume his place in the House of Commons. The business of the nation became, however, too urgent to be any longer

" to war. As far as I am informed of the state of Europe, I
" believe, that if Austria could be allured by any subsidy we
" should offer, to engage in a new war with France, she would
" expose herself to extreme peril, to a danger far beyond any chance
" of advantage."

What still unmeasured evils would not have been averted from the British empire, had the reins of government been then trusted to the consummate wisdom and integrity of Mr. Fox?

1806.

deferred, and the Parliament met on the 20th of January, 1806.

Parliament
meets, and
King's
Speech.

After the Clerk had read his Majesty's commission to open the Parliament, the Chancellor read the King's Speech: the first part of which was a congratulation with the nation for the brilliant successes at sea, since they were last assembled in Parliament, lamenting, that the triumph off Trafalgar had been clouded by the fall of the heroic commander, under whom it was atchieved. His Majesty was persuaded, that they would feel, that the lamented, but glorious termination of a series of transcendent exploits claimed a distinguished expression of the lasting gratitude of his country. His Majesty deeply lamented the events of the war in Germany, and had directed the different treaties with the continental powers to be laid before his Parliament; by which it would appear, that nothing had been left undone to secure the dominions of his Majesty and the general safety of the continent. It was a great consolation to his Majesty, that although the Emperor of Germany had been compelled to withdraw from the contest, yet he continued to receive from his august ally, the Emperor of Russia, the strongest assurances of unshaken adherence to that generous and enlightened policy, by which he had hitherto been actuated, and they would be fully sensible of the important advantages to be derived from persevering, at all times in the closest and most intimate connection with that Sovereign. His Majesty relied upon the ready concurrence of his

faithful Commons in granting the supplies. And for the purpose of alleviating the additional burdens, which must necessarily be imposed upon his people, he had directed the sum of 1,000,000*l.* part of the proceeds arising from the sale of such prizes made on the powers, with which he was at war (*Droits* of Admiralty), as were by law vested in the Crown, to be applied to the public service of the year. The Speech ended with a general recommendation of all possible vigilance and exertion to meet the enemy, whose predominant power and influence had been so unhappily extended by the events of the war on the continent; and a general confidence in the bravery and discipline of his forces, and the zeal and loyalty of every class of his subjects. Ireland was not even obliquely hinted at.

1806.

Upon the motion for the address to the Crown in each House, an amendment was proposed; in the Lords by Earl Cowper, and in the Commons by Lord Henry Petty (now Marquis of Lansdown), to express the deep concern felt by them at the series of disasters, which had attended the arms of his Majesty's allies on the continent, and their determination to proceed without delay to enquire into the cause of those disasters, as far as they might be connected with the conduct of his Majesty's ministers. That they were perfectly sensible, that the alarming and unexampled state of public affairs rendered the most vigorous exertions necessary for the preservation of the Empire, and they felt it their peculiar duty, when they

Address to
the King.
Amendment
proposed.

1806.

called for those extraordinary efforts, to provide, that the resources they furnished, and the powers they conferred, might not in future be so employed, as to encrease the perils, they were intended to avert, and to aggrandize that power, to which it was the common interest of all Europe, as well as of Great Britain to set proper limits. Lord Grenville in the Lords, and Mr. Fox in the House of Commons consented not to go into debate upon the amendment in the absence of Mr. Pitt; they laid in their claim however to an early day for the purpose, hoping, that the improvement in the minister's health would not long be an objection, to what the exigency of circumstances imperatively demanded. Lord Mulgrave assured Lord Grenville, that no enquiry could be set on foot, which his Majesty's ministers were not perfectly ready to meet. And Lord Castlereagh with all the assurance of a wise and irreproachable minister, set Mr. Fox and his friends at defiance: confident, that no charge of delinquency could be brought against any of his Majesty's servants, which he was not able and ready to disprove. He wished therefore for no delay, however ardently he looked to the speedy recovery of the person most connected with the subject.

Death of
Mr. Pitt.

Mr. Pitt died at four o'clock in the morning of the 23d of January 1806. He is reported to have been sensible of, and resigned to his approaching dissolution. In his latter moments he attempted (though unable) to write some testamentary paper, but observed, that he had nothing to dispose of;

fearing, that he owed much more, than he possessed *. His biographer, Mr. Giffard, has thought it necessary for completing the character of his hero to caution the public, “not to infer†, that “Mr. Pitt was either an unsteady or indifferent “member of the established church. He certainly was from education, from principle, and “conviction firmly attached to it.” And “when “the Bishop of Lincoln went to his bed side, and “told him, he found it his duty to inform him, “that his situation had been found precarious, “and requested his leave to read prayers to him, “he answered, I fear, I have like too many other “men neglected prayer too much, to have any “ground for hope, that it can be efficacious on a “death bed.” If to repent of injuries done to others be a Christian duty, Mr. Pitt’s last dying words‡ furnish ample presumption, that he did not die impenitent. He exclaimed repeatedly with emphasis, truth and reason, *Oh my country!*

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With Mr. Pitt all the talent, energy and credit of his administration had vanished. Yet the infatuated system dreaded nothing so much, as that his Majesty should call to his councils men of enlightened policy and constitutional principles. In the first moments of dismay at the loss of their

Consequence of
Mr. Pitt's
death.

* The nation afterwards paid his debts, which amounted to 40,000l.

† Giffard’s Life of Mr. Pitt, vol. vi. p. 553 and 806.

‡ So Mr. Rose declared in the debate on Mr. Lascelles motion on the 31st Jan. 1806, for a monument and inscription in Westminster Abbey, in commemoration of Mr. Pitt.

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leader, his obsequious satellites were pressed to retain their situations. His Majesty was advised, and had come to the resolution of only filling up the vacancy occasioned by the death of Mr. Pitt. Lord Hawkesbury was appointed First Lord of the Treasury, and retained his situation just long enough to hurry through the forms of office a grant to himself of the Wardenship of the *Cinque Ports*, and then joined the rest of his confreres in declaring their incapacity to undertake the administration of the government under such awful embarrassments. On the day after Mr. Pitt's death, the Duke of York had a private audience with his Majesty, which lasted four hours. On the next day the Chancellor, Lords Ellenborough, Camden, Mulgrave and Hawkesbury attended a Cabinet Council at Buckingham House on the subject of the changes occasioned in the government by the death of Mr. Pitt. On the 24th of January, Mr. Lascelles gave notice to the House of Commons, that on the succeeding Monday (27th of January), he should move, that some signal mark of public respect should be shewn to the memory of that great man Mr. Pitt. On that day he accordingly moved, after a short but high panegyric on the deceased, that an humble address should be presented to his Majesty, that directions should be given, that the remains of Mr. Pitt should be interred at the public expence, and that a monument should be erected in Westminster Abbey to the memory of that great and excellent Statesman, with an inscription expressive of the

sentiments of the people on that great and irreparable loss: the expences of which the House would make good. The motion was seconded by the Marquis of Tichfield, and upon the division, carried by 258 against 89.

1806.

The debate, or rather conversation, which took place on Mr. Lascelles motion, was particularly interesting. Mr. Fox and his friends, who opposed it, objected not to the public funeral, and the erection of a monument to the memory of any extraordinary man of talent and genius; but by injudiciously introducing into the motion the words *Excellent Statesman*, it called upon them to approve and commend that system of measures pursued by Mr. Pitt, which for the last 20 years and upwards they had constantly opposed, as destructive of the welfare, and subversive of the constitution of the country. Mr. Fox, who seldom opened his mouth, but to enlighten and inform, not only spoke handsomely of his rival, but mixed in his speech some matter of peculiar historical importance. The nation, he said, was much indebted to him for the measure of the sinking fund: and no minister was ever more disinterested, as far as related to pecuniary matters. His integrity and moderation in that respect were conspicuous: he was above 20 years in office, with the full command of places and public money, without using them either to enrich himself or his family. In the course of that long administration, all that he took for himself, was the Wardenship of the *Cinque Ports*. His disinterestness in that shone

Debate on
the vote of
thanks to
Mr. Pitt,

1806.

with the more lustre, when the mode, in which that valuable place had been recently procured (by Lord Hawkesbury) was considered. He would eagerly have concurred in any thing, that could have eased or rewarded either himself or his relatives for that honorable disinterestedness, which may have brought on embarrassments, or prevented fair advantages. But his duty and conscience painfully prevented him from voting any thing, which went to confer honors on Mr. Pitt, as an *Excellent Statesman*. “ I, said Mr. Fox, was always one
 “ of those, who constantly said, that the system,
 “ to which Mr. Pitt lent his aid, was an unfortu-
 “ nate and dangerous system, and the great cause
 “ of all the misfortunes and calamities, that as-
 “ sailed us in the course of his administration. It
 “ was owing to him indeed, that the system main-
 “ tained its ground so long. His great eloquence,
 “ his splendid talents cast a veil over it, and con-
 “ cealed those things, which otherwise would have
 “ been exposed in all their odious deformity. I
 “ cannot consent to confer public honors on the
 “ ground of his being an *Excellent Statesman* on
 “ the man, who in my opinion, was the sole, cer-
 “ tainly the chief supporter of a system, which I
 “ had early been taught to believe a very bad one ;
 “ and the result has finally and fatally proved it
 “ so to be.”

Mr. Fox was incapable of deceit either in public or private. To his credit, he possessed not the art of dissembling his principles. With industrious malice has it been circulated by the real enemies of

Mr. Fox
 sincere in
 coalescing
 with Lord
 Grenville.

1806.

Mr. Fox and the insidious friends of Lord Grenville, that the coalition between them was hollow and insidious. Mr. Fox did not even affect to have changed a single principle of his political creed or practice: and that he believed Lord Grenville, and of course the whole party of the Grenvellites sincere in coming over to him is manifest from his candid and explicit avowal on this occasion. In referring to Lord Temple's supporting the motion, he added; "Such no doubt are the sentiments entertained by those, with whom he is most closely connected (his father, the Marquis of Buckingham, and his uncle Lord Grenville). I must now then vote in opposition to those, whose friendship constitutes the delight and happiness of my private life, and from whom, since affairs have taken such a turn, it is probable *I shall never be separated during the remainder of my political life.*"

On the very day of that debate in the Commons, by command of the King, Lord Grenville attended at Buckingham House, where his Majesty informed him, that he had sent for him to consult about the formation of a new administration. Lord Grenville apprized the King, that he proposed advising with Mr. Fox; to which his Majesty replied, *I thought so and meant it so.* The interview did not last above half an hour. Immediately upon quitting the Royal presence, Lord Grenville repaired to Carlton House, and had a conference with the Prince of Wales and Mr. Fox. His Royal Highness interested himself much

Negotiations for new arrangements.

1806.

in the formation of the new administration; not doubting, but that a concentration of the talent, virtue and experience of the nation would afford satisfaction to the Monarch, gratification to his people, and security to the constitution. Much industry was used to indispose the Monarch against admitting Mr. Fox into the new arrangements. The secret supporters of the system were implacably sedulous in poisoning the Royal mind against that enlightened and virtuous patriot. They dreaded his openness and firmness. With extreme reluctance was the King even now induced to wave his exclusion. On the 31st of January were the arrangements formed, and on the next day, Lord Grenville had an audience of his Majesty at the Queen's House, when he presented to the King the names of the persons selected on account of their talents and consideration, as proper at that alarming juncture to compose a firm and wise administration. His Majesty required 48 hours for consideration. The secret managers of the system were unusually active in qualifying and adapting the arrangements to their present designs and ulterior views.

Difficulty in
the arrange-
ments.

On the 1st of February, serious difficulties were raised about some important regulations in the army. When Lord Grenville was at Buckingham House, he read to his Majesty a paper containing certain intended changes in the army*. The

* The chief of which was, the attaching a military council to the office of the commander in chief. A most salutary measure, though not very gratifying to the feelings of the Duke of York.

King was displeased : and insisted, that the army had always been kept distinct from the other branches of the administration, since the time of his uncle the Duke of Cumberland. It was under the immediate controul of the Crown, through the commander in chief, exclusive of any ministerial interference, except as to the levying, clothing, and paying the troops. Upon Lord Grenville's respectfully submitting to his Majesty, that this doctrine did not appear to him altogether constitutional, the conference broke off, rather abruptly, and reports quickly circulated, that the negociation was at an end. This gave rise to fresh negociation and manœuvring with the supporters of the system. From the death of Mr. Pitt, his Royal Highness the Duke of York, Lord Chancellor Eldon, and Lord Hawkesbury had frequent and very long conferences with his Majesty. Upon their results depended the progress of the new arrangements. They had been intimidated into resignation by the alarming danger, into which their leader had brought the Empire. They trembled at the voice of the nation calling for an efficient administration. No radical change was to be expected, without the introduction of Mr. Fox into his Majesty's Councils, and nothing was so much dreaded by the system, as the approach of that virtuous and enlightened Statesman to his Sovereign. In the misrepresentation and blackening of his principles and conduct lay the strength of the system of the secret Cabmet. It had never attained such predominancy, as under the external

1806.

management of Mr. Pitt. He had unconditionally lent himself for the second time to the system, and by his powers, talents and craft continued, as he had for many years to conceal from the public the workings of the internal Cabinet*. An ardu-

* It is clear, as day-light, that for the greatest part of the present reign, there has existed in the management of the British government, a power behind the throne greater than the throne itself, which has been worked by invisible, or rather irresponsible agents, to the disgrace and detriment of the constitution. Of this system Mr. Pitt was the chief supporter, though his father had been the first to denounce it. The recent disclosure of important facts, has furnished more than historical information, how much Lord Eldon has forwarded that secret system. Having his Sovereign's conscience officially in hand, he ever had his own upon his tongue. His genius was in perfect unison with the spirit of the system: busy, resolute and ferocious behind the scenes: vacillating, nervous and indecisive upon the stage. It is an awful reminiscence to the British Empire, that in the year 1804, as it has lately appeared by the evidence of the physicians, taken on oath before the Committee of the Lords in December 1810, from the 12th of February to the 23d of April 1804, the King was not in a state to perform any Royal function whatever: and that from that time he was so far from having been completely recovered from his disorder, that he remained under the daily personal attendance of Dr. Symmons and of his assistants till the 10th of June in that year. Yet, said Lord Grey, in debating the Regency Bill in the House of Lords on the 29th of January 1811. "On the 7th of May 1804, at the time his Majesty was thus under controul, the union of the two great political rivals (Mr. Fox and Mr. Pitt,) had been in contemplation, but had been prevented." A short statement of that transaction will shew the part Lord Eldon performed in it. The other achievements of that conscientious holder of his Majesty's conscience, during the period of the Royal incapacity to exercise the functions of the executive are historically authenticated by the Protest of 9 Peers, which rests not upon opinions,

ous and desperate task, which none of his journey-men were equal to. They reluctantly there-

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but facts. And as a voucher for those facts, it is hereunto subjoined.

On the 7th of May 1804, when the Marquis of Stafford rose in the House of Lords to make his motion according to notice upon the state of the defence of the country, the Chancellor had some private conversation with him, and then addressing the House, he assured them, that in addition to his former reasons for wishing the motion to be further postponed, he felt it his duty to declare, from what came within his own immediate knowledge, that circumstances had now occurred, which rendered the agitation of the question still more objectionable than at any former period. It was therefore put off for some few days with the consent of Lord Stafford. On the same day in the Commons, when Mr. Fox had proposed to defer his motion on the same subject to a short day, Mr. Rose informed them, that a Right Hon. Member of that House (Mr. Pitt) had received his Majesty's commands to lay before him a plan of a new administration for his Majesty's consideration. On that morning Mr. Pitt was accompanied to Buckingham House by the Chancellor. Mr. Pitt was closeted with the King for three hours: the Chancellor left it sooner. Mr. Pitt on that occasion consented to accept of his former situation: and he undertook to submit on the next day a plan of a new administration. It was industriously given out and universally believed, that his Majesty had been advised specially to exclude Mr. Fox from the list. As to all others Mr. Pitt had a *carte blanche*.

PROTEST

AGAINST THE REJECTION OF LORD KING'S MOTION FOR OMITTING THE NAME OF "JOHN LORD ELDON," AS ONE OF HER MAJESTY'S COUNCIL.

DISSENTIENT,

First, Because it is of the highest importance, that in the appointment of her Majesty's Council the public should have every

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fore yielded to the imperious necessity of declining the attempt from consciousness of their absolute

security, which previous conduct can afford, that the persons composing the same will not act under any undue bias, but that, whilst they follow the course prescribed to them by their duty, for restoring his Majesty to the public exercise of the royal functions, whenever he shall be in a capacity to resume them, they will neither expose his Majesty to the danger of a too early pressure of business, nor concur in representing his Majesty as qualified to act in his high office, before his recovery shall be complete.

Secondly, Because it appears by the evidence of Dr. Heberden, taken on oath before a Committee of this House, "that he was first called upon to attend his Majesty on the 12th of February, 1804; that he believed his Majesty presided at Council, on the 23d of April following; and that he should consider the interval between those periods as constituting the duration of his Majesty's disease at that time." Yet, nevertheless, it appears from the journals of this House, that between the two days above-mentioned, John Lord Eldon, being then Lord High Chancellor of Great Britain, did, on the 5th of March, 1804, receive, and in his Majesty's name, signify his Majesty's consent to a bill, entituled, "An act to enable his Majesty to grant the inheritance in fee-simple of certain manors, messuages, lands, and hereditaments, in the parishes of Byfleet, Weybridge, Wallin, Wallinleigh, and Chertsey, in the county of Surrey, to his Royal Highness Frederick Duke of York and Albany, for a valuable consideration; and that he did also put the Great Seal to a commission, dated 9th March, by virtue of which fifteen bills received the Royal Assent; as well as to a commission, dated March 23d, under which seventeen other bills received the Royal Assent; although his Majesty was, at that time, as appears by the evidence above recited, afflicted by a malady of the same nature and character with that, which has now occasioned a suspension of the Regal functions.

Thirdly, Because it further appears from the same evidence, "that after the period, when his Majesty was so far recovered

inability to effect it. Still clinging however to their deleterious principles, although a change of system were for the moment to be adopted, they exerted their wicked powers to prevent the concert, efficacy and duration of the new arrange-

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as to be able to transact business at any period of any day, he still retained such marks of indisposition about him, as made it expedient that some one of his physicians should be about his person for some months afterwards; and that Dr. Heberden was in attendance on his Majesty so late as the end of October;" and it was stated in debate, and not denied, that, during this latter period, and particularly on the 10th of June, 1804, when it was understood and believed, both by this House and the public, that his Majesty was perfectly recovered, his Majesty not only continued in a state, which required medical guidance, but that both Dr. Symmons and his assistants were still in attendance on, and possessed a controul over his Majesty; yet, that nevertheless, while his Majesty was still subject to such personal controul, the said John Lord Eldon, as Lord High Chancellor of Great Britain, did receive his Majesty's pleasure on divers important matters of his Majesty's Regal Government, and did, in virtue of his said office, perform various public acts requiring the sanction of the King's authority.

Fourthly, Because John Lord Eldon having so conducted himself, is not, in our own judgment, a person, to whom the sacred trust of acting as one of her Majesty's Council in the care of his Majesty's person, and in the discharge of the other most important duties, by this act committed to the said Council, can with propriety or safety be committed.

GREY,	ROSSLYN,
LAUDERDALE,	DERBY,
VASSAL HOLLAND,	ASHBURTON,
ERSKINE,	PONSONBY,
	PONSONBY, 1mo.

1806.

ments, with a view to the early resumption of their own situations.

The new arrangements concluded.

On the 3d of February his Majesty once more sent for Lord Grenville, and read to him a written paper, expressing his royal consent to the proposals, which he had taken time to consider upon: with a special exception, that no change in the government of the army should be effected without his Majesty's express approbation. The inflexibility of Mr. Fox's principles under all possible changes was more dreaded, than the lately (perhaps) partially altered policy of Lord Grenville. The King's mind had been long poisoned against the former, though the royal feelings had recently been rendered sore at some changes, and the newly assumed firmness of the latter. It was notorious, that a radical change of the whole system could emanate only from the principles of Mr. Fox. The abettors, therefore, of the old system, were peculiarly anxious, that Lord Grenville and as many of his friends, as had worked under Mr. Pitt should be included in the arrangements. As, however, it had been admitted on all hands, that the awful crisis, in which the nation then stood, called for a concentration of all the power, talent and experience of the country, it was artfully contrived, that Lord Sidmouth and his insignificant party, well known for their obsequiousness to the system, should be forced upon the new ministry, with a secret commission to observe, report and occasionally balance the foreseen contests between the Foxites and Grenvillites. With that view was Lord

1805.

Ellenborough, the Chief Justice of the King's Bench, without any responsible office of state, thrown in as a makeweight to the Addington party in the cabinet. It is observable, that not a single individual of Mr. Pitt's relicts either offered himself, or was called upon to take a part in the broad bottomed administration then about to be formed* of the superior talent and virtue of the country, to meet the crisis.

* The new appointments were :

Lord Grenville, First Lord of the Treasury.

Ld Henry Petty, Chan. of the Exchequer.

Lord Viscount Althorpe

Right. Hon William Wickham

James Courtney, Esq.

Rt. Hon. C. J. Fox,

Foreign Affairs

Earl Spencer,

Home Department

Rt. Hon. Wm. Wyndham, War and Colonies.

Rt. Hon. Charles Grey

Sir Philip Steevens

William Markham

Adm. Sir Charles Morrice Pole

Sir Harry Neale

Lord William Russel

Lord Kensington

Hon. Thomas Erskine, Lord Chancellor.

Lord Viscount Sidmouth, Lord Privy Seal.

Earl Fitzwilliam, Lord President of the Council.

Lord Ellenborough, Seat in the Cabinet.

Lord Minto

Earl Spencer

Mr. Wyndham

Lord Grenville

Lord Henry Petty

Lord Viscount Morpeth

John Hiley Addington, Esq.

Rt. Hon. John Sullivan.

Lords of the Treasury.

Secretaries for

Lords of the Admiralty.

Commissioners for the management of the affairs of India.

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So thorough a change had not been made throughout the several departments of the government since the year 1784. But all the secondaries in the different offices, through whom, in fact, most of the public business is transacted, were permitted to retain their situations. They having been trained to their situations, little alteration was per-

Earl Moira, Master General of the Ordnance.

Hon. General Eitzpatrick, Secretary at War.

Sir Arthur Pigott, Attorney General.

Sir Samuel Romilly, Solicitor General.

Earl of Derby, Chancellor of the Duchy of Lancaster.

Hon. H Thomas Grenville

John Hiley Addington, Esq.

} Joint Paymaster of the Forces.

Messrs. Calcraft and Giles, Secretaries to the Treasury.

Lord Buckinghamshire

Lord Holland

} Joint Postmaster General

Lord Robert Spencer, Surv. Gen. of Crown Lands and Forests.

Lord Charles Spencer, Master of the Mint.

Earl of Albemarle, Master of the Stag Hounds.

Mr. Sheridan, Treasurer of the Navy.

FOR IRELAND.

Duke of Bedford, Lord Lieutenant of Ireland.

Right Hon. William Elliott, Chief Secretary.

Right Hon. Geo. Ponsonby, Chancellor of Ireland.

Sir John Newport, Bart. Chancellor of the Exchequer.

Lord Grenville

Sir John Newport

Right Hon. William Elliott

Maurice Fitzgerald, Esq.

} Lords of the Treasury.

Sir Laurence Parsons

William Burton, Esq.

Henry Parnell, Esq.

George Cavendish, Esq. Secretary to the Commissioners.

W. C. Plunkett, Esq. Attorney General.

Charles Kendal Bushe, Esq. Solicitor General.

ceived in the manner, spirit or substance of going through the old routine of national business. Nothing short of dire necessity brought Mr. Fox into his Majesty's councils. He had not changed a single principle from the commencement of his political career. Every objection, consequently, that had been put into his Majesty's mouth against him (some were coarse, all unfounded) had then as much force, as at any period during his long proscription from the favour and confidence of his Sovereign. He came in, therefore, triumphantly upon his own terms. On no occasion did his patriotism shine with more splendid purity, than on this. No man was ever more warmly attached to his friends than Mr. Fox: and he had several, who had faithfully stuck by him through the dreary struggle of 22 years opposition. Yet so intensely was he bent upon procuring peace for his country, which was the necessary prelude to internal reform, that he sacrificed the place of First Lord of the Treasury, with all its patronage, to that of Foreign Secretary, which he conceived would afford him more immediate facilities of bringing it about.

Amongst the earliest parliamentary proceedings on the change of the ministry, which in any way related to Ireland, must be noticed Mr. O'Hara's spirited objection to Lord Castlereagh's vote for monumental honours to Marquis Cornwallis, who died in India. He opposed the motion, because he could not with consistency vote funeral honours to a man, who had brought about the Union between

1806.

Mr. O'Hara
objects to
funeral hon-
ours to
Lord Corn-
wallis, on
account of
the Union.

1805.

Great Britain and Ireland; with regard to which he trusted, that some time or other it would come under the consideration of that House; and if it were not, as he hoped it would be utterly rescinded; it would at all events be considerably modified, and, if possible, ameliorated. Upon this interesting subject Mr. Fox declared, that he concurred with the motion; for that the words, in which it was expressed, did not, in imitation of a late precedent, assert, that the object of it was *an excellent statesman*. Although, however he supported the motion, yet he agreed with Mr. O'Hara in characterizing the Union as *one of the most disgraceful transactions, in which the government of any country had been involved*.

Repeal of
the Union.

In consonance with this marked reprobation of that fatal measure of Union by the most enlightened and irreproachable member of the new administration, several of the corporations of Dublin formed meetings to prepare petitions to the legislature for the repeal of the Union. Of these the company of stationers at their hall in Capel-street gave the example, by appointing a respectable committee of nine to draw up a petition to repeal the act. At a future meeting, however, they came to a resolution, that not to embarrass his Majesty's administration with a matter of so much importance, as the consideration of a repeal of the Union, they then declined framing a petition to Parliament for that purpose. Within some few days, Mr. Alexander called upon Mr. Fox for an explanation of what he was reported to have

lately said concerning the Union. Such an opinion publicly delivered by a person in his official situation had given rise to many conjectures, and had produced considerable agitation in Ireland: and it was highly important, that the public mind should be set at rest upon the point. Mr. Fox conceived he had spoken very intelligibly: but he never refused explanation. He adhered to every syllable he had uttered relative to the Union, upon the motion for funeral honours to Lord Cornwallis. But when he had reprobated a thing done, he said nothing prospectively. However bad the measure had been, an attempt to repeal it *without the most urgent solicitation from the parties interested* should not be made, and hitherto none such had come within his knowledge.

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Dr. Duigenan moved to bring in a bill for enforcing the residence of the established clergy, and Mr. J. Fitzgerald for ascertaining the population of the country. He judiciously observed that to be a grand *desideratum* in political economy, whether considered as to its physical force, its agricultural produce, or its financial relations. This has ever been a sore point with government. Whatever the cause may be, the effect is observable to every one, who throws an impartial eye over the population of Ireland, with a reflexion of what it amounts to, and a comparative reference to it in the short space of the last 25 years. During this time the most moderate statistical observers admit the population to have been encreas-

Population
of the coun-
try.

1806.

ed by above one third, and that will give an aggregate of about 7,000,000.

Lord Hard-
wicke and
the paving
board.

In Dublin the Term Grand Jury presented an address to Lord Hardwicke, expressing their regret at his departure from the country. Addresses did not flow in from other public bodies : which was a disappointment to the Castle, and particularly to Mr. A. Marsden, the projector, adviser, and active instrument of most of the achievements of that hollow government. The citizens of Dublin had long complained of the insufferable abuses of the commissioners of the paving board, who had permitted the streets and passages in the city to run into such a state of filth and decay, as to render the intercourse of the inhabitants not merely a service of labour, but of absolute danger. The act of Parliament, which gave to the Lord Lieutenant authority to suspend the directors and commissioners of the paving corporation, received the Royal Assent on the 10th of the preceding July. For above seven months, and that throughout the Winter, the whole body of delinquency was continued at their post : and the public received no benefit from the act of the legislature. When however Lord Hardwicke's successor had been appointed, and he was in daily expectation of quitting his government, viz. on Saturday the 22d of February 1806, Mr. A. Marsden in an official letter by command of his Excellency suspended the whole of the old directors and commissioners. Five gentlemen were appointed to act in the room of

1806.

the commissioners*, and they entered upon business at the corporation house in Dawson-street on the Monday following. Weakly was it imagined, that this procrastinated act of duty and justice would reflect a ray of merit on the expiring administration of Lord Hardwicke, and call forth a more congratulatory spirit from the nation for the benefits of his mild, conciliatory and just government. The eyes of the public were now turned with confident expectancy towards the new appointments, and the deeds of the departing governor were balanced without the make weights of flattery, fear, or hope.

The Irish had so long been kept out of possession of the great safe guards of constitutional liberty, the bulk of their population had so repeatedly been baffled in their expectations of being emancipated, every successive minister of Mr. Pitt's designs upon Ireland had so determinately pronounced their perpetual proscription from equal laws and rights with their Protestant countrymen, and so effectually opposed their efforts to be admitted to such participation, that they eagerly caught the first dawn of hope, that a change of

First traits
of the new
ministry.

*The new appointments were,

Alderman Carleton,
Alderman Hutton,
Ald. Pemberton,
Alderman Darley,
Sheriff's Peer,
D'Olier,

The suspended Directors were,

Lord de Blaquiere,
Mr. T. Burgh,
Mr. R. Cane,
Mr. J. C. Beresford,
Lord Frankford,

The suspended Com. were, -

Mr. H. Mitchell,
Mr. R. Alex. jun.
Mr. R. Cane,
Mr. W. J. Alex.
Mr. J. M. Ormsby,
Mr. S. Ormsby.

1806.

men was intended to bring about a total change of system. Before the new Viceroy was prepared to set out for his government, two circumstances occurred, which inspired the Irish with an enthusiastic confidence in the new ministers. The Irish are naturally prodigal of credit, where they anticipate confidence. On the 7th of March the act for suspending the *habeas corpus* had been permitted to expire without any attempt by government to continue or revive it. Thereupon the several gaols in Ireland were cleared of all those State prisoners, who could bear the expences of *habeas corpus*, and who had been confined there for two or three years under the inquisitorial powers of that despotic suspension. The restoration to society of many respectable and popular characters, dignified by unmerited sufferings, spread a sympathetic glow of exultation through the people, which broke out into an eagerness to hail the new governor as their deliverer, and stifled all efforts to procure valedictory addresses to the departing Viceroy, who had so long kept them in bondage. The instantaneous removal of Lord Redesdale* from his situa-

* On the 4th of March 1806, Lord Chancellor Redesdale sat in Court for the last time, and when the business of the day was over, he addressed the gentlemen of the Bar, which was numerously attended on the occasion. He told them, that when he came over to Ireland, he thought he should probably have spent the remainder of his days there. "I proudly hoped to have lived amongst you, and to have died amongst you: but that has not been permitted." His Lordship then expressed his sense of the obligations he owed to, and acknowledged his thanks for the conduct of the gentlemen of the Bar; and also of

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tion, even before his successor had arrived in Ireland, infused incalculable satisfaction throughout

the officers and practitioners of the Court. His Lordship was much agitated, and shed tears profusely: after a short pause, he continued. "It would have been my wish to have continued to sit, until the gentleman, who has been named to succeed me, should have arrived. I believe it was his wish also. I have every reason to think so: and from him I have received every degree of politeness and attention. I am sorry, that other persons should have thought me unworthy to be trusted with the Seal during that interval. What can occasion this (which I cannot but consider as a personal insult) I am unable to guess. But I have been informed, that a peremptory order has come to the Lord Lieutenant, not to suffer a moment to elapse in preventing the Great Seal longer remaining in my hands. I know not whence this jealousy of me has arisen, or how my continuing to sit in the Court of Chancery (for I could make no other use of the Great Seal but under the warrant of his Excellency) could interfere with any views of his Majesty's ministers. I am proudly conscious of having discharged the duties of my station with honesty and integrity to the utmost of my abilities. For the office I care not; except so far, as it afforded me the opportunity of discharging conscientiously an important public duty. It was unsought for by me. I came here much against my will. I came from a high situation in England, where I was living amongst my old friends, and in the midst of my family. But I was told, I owed it to the public duty, and to private friendship to accept the office, and I yielded. I yielded to the solicitations of some of those, who have concurred in my removal. This I own, is what I did not expect, and what I was not prepared to bear." His Lordship was here again much affected, even to tears. He then made general offers of his services to Ireland: and considering, how vehemently he had both in word and writing expressed himself with reference to the body of Irish Catholics, and their wishes and efforts to be admitted to an equal participation of all constitutional rights with their fellow

1806.

every rank of the Catholic population, which he had so coarsely and unfoundedly insulted and traduced. This early and marked removal of Lord Redesdale was a seasonable atonement to the insulted feelings of the Irish Catholics, and was received by them, as an earnest of the new minister's adopting a new system of measures, calculated to secure the internal peace, welfare, and prosperity of Ireland. The united efforts of official favourites and a purchased press could not at the close of Lord Hardwicke's five years administration keep up his popularity even to that pitch, as to procure him the ordinary obsequies to a departing governor. The attendance even of his favoured yeomanry of Dublin was solicited to perform the last honor to the Ex-Governor, and was refused in the first instance. Out of all Ireland, addresses on his departure, came only from Dublin, the county of Mayo, and the loyal Crossmolyna cavalry. His

countrymen, he made this singular declaration. "To this country I have the highest sense of obligation. I do not know, that in a single instance, I have experienced any thing but kindness. I have experienced it from all ranks of people without exception." After his Lordship had finished his speech, the Attorney General in the name and by the direction of the bar addressed his Lordship in a short speech, expressive of the sense, which the bar entertained of his Lordship's endowments, which preeminently qualified him to preside in a Court of Equity, and of their thanks for the impartial attention, sagacity and patience, which he had uniformly manifested on all occasions, and for the instruction, which they had received from a course of decisions during four years, by which he had much advanced the science, which they professed.

Lordship sailed from the Pidgeon-house on the 31st of March. During his residence there for two days, he kept his Court with the same etiquette and form, that he had preserved at Dublin Castle during his whole administration.

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HISTORY OF IRELAND.

CHAPTER IV.

Administration of the DUKE of BEDFORD.

THE change of administration, great as it was in the upper departments of government, was not attended with the impressive effects, which it was naturally calculated to produce upon the Irish public. Although Mr. Fox's impassioned wish for peace had induced him to accept of that official department, which would most immediately supply him with the means of procuring it, yet was it the first policy of his colleagues to usher in their administration with some overt and important acts of Mr. Fox, in order to procure a credit from the Irish, that the future system of government was to be modelled exclusively upon the enlarged policy and immutable principles of that enlightened

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General nature of the Bedford administration.

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patriot. The importance of Ireland in the vacillating state of the British Empire supereminently called for his genuine advice. No radical change of system could be expected with any rational confidence either from Lord Grenville or Lord Sidmouth. His first concern was to place the government of that misguided and abused part of the United Kingdom in the hands of a man, whose liberality, honor and integrity would render him equally impervious to the overbearing mandates of British predominancy, and the insidious manœuvres of Castle intrigue. The honor, patronage, and emoluments of the Irish Viceroyalty had many competitors. The very solicitation of the office was an objection to that immaculate Statesman's granting it. Sensible, that the reform of abuses could now only proceed from the Imperial seat of government, his first concern was, to fill the important station with a man, who he personally confided, would neither continue, nor encrease abuse. When the offer was first made to the Duke of Bedford, he resolutely declined it. Mr. Fox, whose wisdom and integrity had their due sway upon his Grace's mind, was driven to entreaty and personal supplication, before he could be induced, even conditionally, to accept of the charge. In making such a sacrifice of every personal feeling and consideration to the wishes of Mr. Fox, whose opinion he had ever made the rule of his political conduct, his Grace coupled it with a condition well suited to his pure and exalted mind. He submitted to the onerous charge,

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provided his friend would ease him of the responsibility of dispensing the grace and patronage of the government, amongst those, to whose merits he was a stranger, and suggest appropriate measures for the welfare of the Irish people, whose interests and felicity he wished to promote, professing at the same time his ignorance of the immediate means of securing them. Assuming with well founded confidence, that Mr. Fox's intuitive knowledge of, and cordial affection for the constitution, would ensure his sincerest efforts in favor of Ireland, he assumed the government upon the avowed mission of effectuating the benevolent views of that enlightened and humane Statesman. The unsuspecting candor of Mr. Fox, was the only political defect (if that amiable quality can be called defect) in his character. He put no reserve upon the sincerity of others, as he felt no check upon his own. He knew not how to diffide in the words or actions of those, who coalesced with him. He gave them unqualified credit for *principle*, by which he invariably shaped his own conduct. Under these impressions, he deputed that confidential discretion, in which the Duke of Bedford had accepted of the viceregal charge to some of his colleagues, who might properly be called a British committee for managing the affairs, interests, and patronage of Ireland. With imitative sympathy, his Grace acted under that deputation, as the faithful organ of Mr. Fox's sentiments and feelings. Mr. Fox laboured exclusively for the attainment of peace, which he considered the

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necessary forerunner of reform, and other projected benefits to his country. But the impaired state of his health slackened his exertions even as foreign minister.

First acts of
the Bedford
administra-
tion.

After the arrangements of the new ministry had been finally settled, the only act of government in Ireland, that was traceable to the personal influence of Mr. Fox, was the instant removal of Lord Redesdale from the chancery bench. It was an inchoate act of justice to the great body of the Irish population, to put an early and unequivocal mark of reprobation on the man, who had calumniated and insulted them with an ignorant and malignant bigotry, which has not been exhibited on any European theatre for centuries. This was emphatically the act of Mr. Fox; and unhappily for Ireland, the only one of the Bedford administration, which emanated purely from his spirit and principle. Had the long habits of friendship and sympathies of Lord Grenville and Lord Sidmouth prevailed, even in this solitary instance over the stern virtue of Mr. Fox, it is likely, that the great seal of Ireland would have been at this hour in the hands of that weak and mischievous religious agitator. The necessary consequence of the Whig preponderancy in the cabinet in this matter, was the appointment of Mr. Ponsonby to succeed Lord Redesdale on the chancery bench. His long tried services in the cause of Ireland, and his powerful, though unsuccessful, exertions in opposing the system, naturally transfused through the whole Catholic body the confident expectation of an im-

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mediate and radical change in the whole order of things, when they beheld him raised to that elevated situation, in which he became enabled to direct the influence of the crown to the annihilation of every national abuse, and the admission of all his Majesty's Irish subjects to an indiscriminate participation of the rights of the constitution. The Irish are naturally sanguine in their expectations. They more confidently anticipated the benefits to arise out of these first (and they were the last) genuine acts of the Whig influence in the cabinet, than they reflected upon the probable effects of the partiality of the two other parts of that cabinet to the atrocious system, which they had so long and zealously co-operated in supporting. They reflected not upon the weight, number and perseverance of the individuals in the late forced coalition, to whom Lord Redesdale's weeping lamentations in the court of chancery applied; when he there proclaimed, that he had been given up and betrayed on the ground of that very conduct, which his treacherous friends had instructed and stimulated him to pursue.

The private views and motives of individuals are not open to historic scrutiny: but the combination, succession and reciprocal bearings of broad facts cannot fail to produce conclusions in the mind of the impartial reader, faithfully corresponding with the spirit of the actors in the scenes exhibited to his view. The first feelings and expectations of the Irish mind on the late change of men pro-

State of the
Whig ad-
ministra-
tion.

1806.

mised also a change of measures and principles*. A generous credit was allowed for the sincerity, as a plenary confidence was felt in the purity of a Whig administration, of which Mr. Fox was considered the soul and efficient director. Then forcibly rushed upon the Irish mind the full reflection of the zeal, energy and perseverance, with which the Whigs had, when in opposition, pressed upon the legislature and the public the imperious necessity of abolishing the whole system of proscriptive division and religious ascendancy in Ireland. The natural result was a sanguine confidence, that now they had become masters of the influence of the crown, it would be instantly applied to that purpose. In this ebullition of Catholic expectancy, the triple coalition was formed of three component parts, to be known and judged of by their respective heads or leaders, Fox, Grenville and Sidmouth. The satellites moved uniformly within the orbits of their respective planets. Mr. Fox had invariably and unconditionally at all times spoken and acted for unqualified religious freedom, and a thorough reform of Irish abuse. Lord Grenville had for 17 years been the co-adviser and co-adjutor of Mr. Pitt in every measure of government in Ireland up to the Union: even after the accomplishment of that fatal measure, he had joined and re-echoed Mr. Pitt's unequivocal and unconditional

* Unlike to the change of the Pitt administration in 1801; which was merely of men and not of measures or principles. *Vide* what was most wisely said upon that subject by Earl Moira and Lord Holland, vol. i. p. 36.

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declarations of the necessity of Catholic emancipation, though he afterwards declared both in words and writing, that he had always meant it to be qualified, and fettered with such conditions and provisos, as would in fact render the concession inadmissible to the Catholic body. His Lordship however had the merit of resisting Mr. Pitt's repeated solicitations to return to power without having redeemed his (even qualified) pledge to the Catholics of Ireland. Lord Sidmouth was the boasted and pledged opponent to Catholic concession under every possible variation of political occurrence. The friends and co-operators of Lord Redesdale, the Attorney and Solicitor General, retained their situations and confidence: Mr. Alexander Marsden, the secret adviser and machinist to the late administrations, was not displaced. The whole of the Orange magistracy remained undisturbed in the commission of the peace. Even Major Sirr was still seen, as the tutelary guardian of the Castle-yard. No floating patronage was removed from any promoter of the late, to countenance or encourage the supporters of the new system. The name of Grattan, the friend and father of Irish liberty, was not seen on the list of changes, and Mr. Curran, the unvacillating asserter of Ireland's rights and freedom, remained nearly five months unpromoted. Mr. Hardy, and several gentlemen of tried virtue, and well deserving of their country, were left wholly unprovided for. And Mr. Elliott, the Chief Secretary to the Lord Lieutenant, had long been an approved servant to former

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administrations in Ireland, and was better known by his sympathies with the Orange societies, than with the proscribed body of Irish Catholics.

Ireland left
to Mr. Pon-
sonby.

The encreasing difficulties in negotiating a peace, and the declining state of Mr. Fox's health prevented his personal attention to the affairs of Ireland. He had procured Lord Redesdale's instant removal in a very marked manner, and his unsuspecting mind was satisfied, that by having placed Mr. Ponsonby in that important situation, he had put the affairs of Ireland under the advice and controul of a gentleman, whose principles and policy towards her were in perfect unison with his own. The arrangements for carrying on the Irish government under the Duke of Bedford threw the whole management and patronage substantially under the influence of Mr. Ponsonby. The country at that moment unquestionably required not only a government of efficient energy, but a government, which commanded the plenary and practical confidence of its predominant population. The Irish quickly seize and strongly retain prejudices for or against public characters, as they have experienced their support or opposition to their national interests. Their judgment is generally just: their memory and tradition faithful. The multitude seldom, if ever, come into contact with their real governor: they take his spirit and conduct from the actions of those, who are deputed to bring the administration and execution of the laws home to their own doors. If within the boundaries of their respective districts an uniformity of

system still prevail, what boots the change to them, whether a Russell or a Camden rule? Whether the Orange magistrate oppress them by an original commission under one Chancellor, or by the continuance or renewal of it under another. The fact was, that the Irish Catholics, making unquestionably five millions of the actual population of the country, when the Bedford administration was appointed, confidently looked up to the adoption of those measures, which the leading members of it, had, (when out of place) so warmly advocated. They were, however, quickly and unaccountably checked in their fond expectancies by their inability to perceive any other change in the Irish government, than that of the Viceroy and Chancellor. Their public conduct in attempting to forward their own cause brings forth in a very strong point of view the real system of the Bedford administration in Ireland, and much of the Grenville administration in England.

In the year 1804, Mr. James Ryan, a young gentleman, well connected in the mercantile interest in Dublin exhibited more than ordinary zeal for the promotion of the Catholic cause. He inhabited a large house in Marlborough-street, to which he invited such Catholics, as were disposed to co-operate with him in the same object, to meet and consult upon the common cause. The rigorous conduct of government towards the Catholics after the explosion in July, 1803, prevented any public meetings of the Catholic body upon the subject of their emancipation. No persons then

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Attempts
to lead the
Catholic
cause.

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dared to hold public conventions on political matters. Many successive meetings were holden at Mr. Ryan's, rising gradually in number from scores to hundreds. At one of those meetings, in which Lord Fingal was chairman, a vote of thanks was proposed by counsellor Scully to Mr. Ryan, for having had the boldness to permit Catholics to assemble in his house. He acted in his own house, not as a secretary, but as a controuling or principal agent (if not by delegation, yet by acquiescence) to those, who convened there to represent and manage the interests of the general body of the Irish Catholics. He was chosen at one of these meetings (not without some turbulent opposition) to go over in 1805, as one of the deputies from that body to Mr. Pitt, which delegation has been before noticed. As that deputation was, by Mr. Pitt's refusal to present the petition, driven to apply to Lord Grenville and Mr. Fox, Mr. Ryan, then, for the first time, and in quality of a deputy from the Catholics of Ireland, became personally known to Mr. Fox.* At Mr. Ryan's house, the

* As it is not the intent of this work to record the public acts or conduct of the Irish Catholics, but of the Irish nation (though they numerically form the decided majority) we omit the details of the debates at the several meetings of Catholics in Marlborough-street, which ran into the most disgraceful altercation and dissensions. All were unanimous in their anxiety to attain the common object of emancipation. But the inexperience of so many persons ardent in a great common cause, created differences as to the mode of attaining it, as wide as if they had contested for adverse objects. It is observable, that the publicity and (perhaps even) the heat of dissension, into which those

general discussions had taken place preparatory to the presentation of the petition in 1805, though the committee usually sat at the house of Lord Fingall. All the Catholic peers had been nominated standing members of that committee.*

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Catholic meetings frequently split, have seldom failed to end in national good. Sooner or later, they have forced into publicity facts and circumstances mainly beneficial to the present and future generations. In as much, therefore, as any such debates or parts of debates involve the government of the country, and tend to develope the system, which this history is chiefly calculated to disclose, the author feels it his duty to offer a faithful statement thereof to the public. The contest between the contending parties arose chiefly from the alleged assumption of a right in Mr. Ryan and his friend and adviser (closely connected by affinity) Mr. Randal M'Donnell, a most respectable merchant, a tried and zealous servant in the Catholic cause, to constitute a committee or body of their own nomination, to represent the body of Irish Catholics, and a charged attempt to convert their influence over that body into an instrument for advancing their own personal interest with the minister of the country. A personal difference in a Catholic debate, in July, 1810, occasioned the publication of Mr. Ryan's correspondence with Mr. Fox, which it is of high importance to the country to be accurately known. It not only involves the character and conduct of Mr. Fox, but tends directly to shew the liability of the body of the Irish Catholics to be sacrificed to the ambition or lucre of the real or pretended leaders of the body in their pursuit of constitutional freedom.

* In January 1805, Lord Hawkesbury, by direction of Mr. Pitt wrote to Lord Hardwicke, that the discussion of the Catholic question would particularly embarrass his Majesty's ministers, and would be determinedly resisted by Mr. Pitt. This letter was communicated to Lord Fingall, and laid before the Catholic committee. Counsellor Bellew, the friend and counsellor of Lord Fingall, contended, that to forward their petition then,

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Mr. Ryan
and Mr.
Fox.

Mr. Ryan has himself informed us, that after the delegates had accomplished the object of their mission, and previously to his departure from London, he called upon Mr. Fox, in order to take his leave. At that interview he obtained his permission to enquire his opinion and advice on the Catholic question, previous to the succeeding session of Parliament, which he fully and freely conceded. In consequence of which, Mr. Ryan consulted with Sir Thomas French, and having been assured by

when the administration was adverse, would be defeat and disgrace; and that the prejudices of the people of England would be roused by the discussion, so as to prevent the possibility of obtaining the object at any future period. Mr. O'Connell and Mr. Scully, with much warmth pressed the propriety of their forwarding their petition; and finding, that Lord Fingal was likely to gain over a majority, they openly declared, that *they* would forward their petition; and the Lords, if they thought fit, might secede and act the same part they had in 1792. The menace had the desired effect. Lord Fingal and his friends acquiesced. At a subsequent and very turbulent meeting in Marlborough-street, Mr. Ryan was proposed as a delegate by Mr. M'Donnell, and supported by Sir Thomas (now Lord) French; and after much tumult and disorder, Mr. Ryan was elected. The spirit of dissension attended the delegates to England, and prevailed so far, that the interchange of common civility ceased between two of them, who in public and private mutually charged each other with betraying the interests of the Catholic body. After the return of the delegates, some select partial assemblies were holden at Mr. Ryan's to receive the report of the delegation; but most of the very persons, who had usually attended those meetings, became so dissatisfied, that they refused to attend, to vote thanks to the delegates for their upright and honourable conduct in the fulfillment of their important mission. Soon after which they called a final meeting, and dissolved their committee.

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him, that no injury could result from his corresponding with Mr. Fox, he addressed to him a letter on the 25th of November, 1805, in the stile of a public or accredited agent or manager of the Catholic cause in Ireland, and asking Mr. Fox's advice, how *he* was to act in the ensuing year, after having told him what *he* had done for the body in the preceding year. Mr. Fox answered this letter, as he would have written to an authorized agent or representative of the Catholic body.* Thus far

* Copies of this whole correspondence were published by Mr. Ryan in the Freeman's Journal on the 11th of August, 1810.

(Copy of Mr. Ryan's letter to Mr. Fox.)

" Dublin, Nov. 25th, 1805.

" SIR,

" When last I had the honor of seeing you, I requested, and
" you were so good to grant me the liberty of soliciting your
" unrivalled good opinion on the subject of the Catholic move-
" ments here, in their endeavours to procure the repeal of the
" remaining penal laws, which affect their body. I am fully
" sensible of the singular favour you have conferred upon me
" by granting this privilege, and I pray you will be assured,
" that no consideration short of the deep feeling, which is ex-
" cited by the present important crisis, and the consequent in-
" creased necessity there is of calling forth all the energies of
" the empire, could prevail upon me to trespass upon the time
" of one, whose mind must be so fully occupied. I am con-
" vinced, it has not escaped your recollection, that the Catholic
" deputies acquainted Mr. Pitt in the interview they had with
" him, that it was the intention of the Catholics of Ireland to
" apply to Parliament every session, until all the disqualifications,
" under which they labour, shall be removed, and that they
" communicated the same intentions to you and your illustrious

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had the correspondence proceeded between Mr. Fox out of place, and Mr. Ryan, holding no species

“ friends, when they were honoured with an interview at Lord
 “ Grenville’s. The Catholics were induced to this determina-
 “ tion from the conviction, they continue to entertain of the be-
 “ neficial effects, which the discussion of the question must ever
 “ produce. The eloquence and wisdom, which will be exerted
 “ in its support in Parliament, will continue to diminish the
 “ number of our opponents there, whilst the agitation of it
 “ amongst ourselves will bring back the public mind from spe-
 “ culating on more distant politics to the consideration of our
 “ local question; instead of being discouraged by our late de-
 “ feat, we are animated by the most confident hopes, that the
 “ day cannot be distant, when our success will be compleat;
 “ which are justly founded on the support we have obtained
 “ from the great proportion of the rank and talent of the Par-
 “ liament. The Catholics, therefore, are pledged to come for-
 “ ward in the next session. Their inclination to do so in ge-
 “ neral, and the late unfortunate disasters on the continent have
 “ encreased their desire to be put on the footing, which will
 “ render them qualified in every part of the British empire to
 “ perform their duty to their sovereign and their country. It
 “ is useless for me to tell Mr. Fox, that no palliative measure
 “ can have the effect of satisfying our body, or securing the
 “ safety of this country. It has been governed for a long
 “ period of time without any regard to the conciliation of the
 “ great portion of its inhabitants. Hence has arisen the dan-
 “ ger of the present period, which will continue, until the con-
 “ duct you have so often recommended to be adopted towards
 “ Ireland, shall be carried into the fullest effect. Catholic
 “ emancipation once granted, there would be an end to all fear
 “ for this unfortunate country: until it shall be granted, it will
 “ be held by England on a very insecure basis. Having trou-
 “ bled you so far upon a subject you are already so well ac-
 “ quainted with, allow me to solicit your having the kindness
 “ to give me your advice, how I ought to act at this conjuncture.
 “ In the last year I commenced the discussion here, out of which
 “ arose the petition of the present year; I feel, I am pledged

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of office, agency or delegation whatever from the Catholic body. It should here be observed, that after the return of the delegates from England in 1805, the Committee, to whose labour and attention the petition then presented to Parliament, and all the consequent measures were owing, had been dissolved, and a new committee had been re-elected, to which Mr. Ryan was named secretary: and the meetings were to be holden in his house. In fact, however, they had never convened from the time

“ not to be inactive in the next. If this country had only to
“ dread the ordinary efforts of an enemy, it would be unsafe
“ to permit the existence of the jealousies and suspicions, which
“ are entertained against our body. How much more danger-
“ ous is it, when we have to contend with one, whose extreme
“ good fortune prompts him to undertake the most hazardous
“ enterprizes? I pray you will excuse me for the liberty I
“ have taken, and that you will believe me to be, with the
“ greatest respect,

“ Your humble servant,

“ JAMES RYAN.”

{Copy of Mr. Fox's answer to Mr. Ryan.}

“ DEAR SIR,

“ I received the letter you did me the favour to write to me
“ on the 25th of last month. I shall go to town in the course
“ of a little time, to remain, where I shall converse with other
“ friends to your cause, and as soon as I shall learn their opi-
“ nions I shall write to you. In the mean time, I remain, with
“ great regard, dear Sir,

“ Yours, ever,

“ CHARLES JAMES FOX.”

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of their re-election to the appointment of the new ministry.

Mr. Ryan's
application
to Mr. Fox
for an ap-
pointment.

Mr. Ryan by having published his own statement, and his correspondence with the British minister has furnished us, not only with a true narrative of the circumstances, but has superadded the views and motives of his own conduct, which could otherwise have been only conjectured. He tells us then, that upon the appointment of Mr. Fox to be a minister,* “impressed with the hopes, “which I believe every well wisher to his country “was, that after the death of Mr. Pitt, and the “formation of the late administration, every “measure for the perfect reconciliation of Ireland “would be adopted, I did conclude, that persons “favoured by administrations instituted for very “different purposes, than the conciliation of the “Irish people, would not be allowed to remain in “the enjoyment of all the honours and emoluments, which are necessarily at the disposal of “government, I accordingly addressed a letter to “Mr. Fox, of which the following is a copy :

“ Dublin, February 1806.

“ SIR,

“ Permit me to add my humble congratulations “to the general satisfaction, which is felt in this “country on the late changes, which have been “made in his Majesty’s councils. The people of “Ireland look not only with confidence, but with

* Freeman’s Journal, *ubi supra*.

“certainty to a speedy termination of all their sufferings.

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“I am sure your disposition will incline you to pardon me, if, in making the application I am about to do, I shall outstep, the freedom which the kindness you have shewn me has prompted me to take; and I have most earnestly to beg, that if the nature of it shall require your intercession with any person, whom you would not feel it convenient to speak with, you will not give yourself the least uneasiness for not complying with my wishes.

“For some time back, the money, which had been raised in England for Irish account, has been drawn for by a merchant here (appointed, as I have been informed, by the Chancellor of the Exchequer) by his drafts upon a banking house in London, where the money has been deposited. I suppose the same system will be continued. If so, and that you will feel yourself warranted to recommend me to the situation, I shall feel myself greatly indebted to you, and shall, if appointed, be ready to give any required security for the faithful discharge of the duties of it. I have the honor to be, Sir,

“Your most obedient humble servant,

“JAMES RYAN.”

As the specific day of February, on which this letter was written appears not upon the date, we are at a loss to know the precise time, at which

Mr. Fox's
conduct to
Mr. Ryan.

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Mr. Ryan so powerfully recommended the case of Ireland, and of *himself* to Mr. Fox. Making every allowance for the weight and urgency of public business then pressing upon the foreign secretary in his own department, and for consultations with his colleagues upon this tender and vital question to Ireland, it is evident, that Mr. Ryan lost nothing by the tardiness of his application; nor was it hastily or unavoidably brought forward. The nature (not the value*) of the appointment is minutely described to a great statesman, presumed (as he probably was) ignorant of the minute detail of patronage, with a strong innuendo, that he might not feel it convenient to speak with his colleagues about it. No strong symptom of perfect cordiality in the ministry. In about a fortnight from their induction into office, viz. on the 18th of February, Mr. Fox wrote an answer to Mr. Ryan pregnant with historical document. It speaks the ingenuous candor and inflexible honor of the man, and shews, that he never merged those inestimable attributes in the statesman, even when in office. Mr. Fox abhorred deceit. Had he played the intriguer, he would have answered Mr. Ryan in separate letters, one to be shewn to the Catholics, the other of promise

* It savours rather of sinister policy in withholding the ultimate profits of these appointments, especially from those, who grant them. Mr. Ryan held it out to the public as yielding 3 or £4000 per ann. Those, who knew the amount of the monies annually remitted, and were competent to judge of the judicious use of the money in the market, at least trebled the estimate of the value of that appointment.

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to be kept to himself, had he conceived the possibility of a gentleman's bartering the rights of others for his own emolument, or harboured an idea of purchasing his efforts to hold back the Catholic body from petitioning that session. His letter assumes plenary confidence between the principal and the agent; it is an overt communication to all, whom it concerns, and necessarily brings under the eye of the principal, the whole conduct and views of the presumed agent. Mr. Fox appears to have agreed in opinion with Mr. Ryan, that Mr. Rawlins, whose substitute he wished to become, ought not to remain in his situation of honor and emolument, merely because he was favoured by former administrations. The letter furnishes the valuable document to the Irish nation, that Mr. Fox's sentiments in favour of Ireland were not those of the predominancy in the cabinet; that he had already done all, that he could command by procuring the removal of Lord Redesdale; that the majority of the cabinet thought differently from him upon the system of governing Ireland; that they objected not to the leaven of Orangeism, with which it was so powerfully fermented, and were tender of making any removals of persons avowing the principles of the former administrations. That his principles and feelings were unshaken by place and power: and that he should be outvoted by his colleagues, were he to bring on their claims: but, true to his professions, he nobly pledged himself to propose and support them in the senate, if the Catholics called upon

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him, though sure to fail, and sacrifice his situation to their cause. That invaluable monument of Mr. Fox's candor, sincerity and wisdom is expressed in the following words :

“ Downing-street, Feb. 12, 1806.

“ DEAR SIR,

Mr. Fox's
letter to Mr.
Ryan.

*“ I owe you many apologies for not having
“ sooner written, as I promised you to do in a
“ short letter from St. Anne's Hill, or answered
“ your last. With regard to your last, I have
“ given it to Lord Henry Petty,* who has pro-
“ mised to attend to it, and who will, I have no*

* The sequel of this negociation for the appointment of state broker, or money remitter will be most faithfully represented by Mr. Ryan himself. It abounds with document, as to the principles and Spirit of the Irish administration under the Duke of Bedford. Soon after this letter of Mr. Fox, Lord Henry Petty wrote to Mr. Ryan the following letter.

“ London, March 1, 1806.

“ SIR,

*“ It gave me the greatest pleasure, both from personal regard
“ for yourself, as well as from respect for the interest and cause,
“ with which you are connected, to concur with Mr. Fox, in
“ recommending you for the appointment you desire ; the no-
“ mination to it must lay with the Irish Treasury ; but Mr. Fox
“ and I have both spoken to Sir John Newport on the subject,
“ in the strongest terms, and I have no doubt of his disposition
“ to serve you. I am, Sir,*

“ With the greatest regard,

“ Your faithful humble servant,

“ HENRY PETTY

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“doubt (unless unforeseen difficulties should arise) be happy to comply with your wishes. With respect to the question you put to me

After some stormy meetings of Catholics in Dublin, which turned upon the conduct of Mr. Ryan, in soliciting the appointment for himself, and the effects of Mr. Fox's letter, with reference to the Catholic cause in general, Mr. Ryan thus winds up the narrative of his ultimate disappointment, through the countervailing influence of Mr. Ponsonby, and the predominating sympathies of the new managers of the system in Ireland with their predecessors. “Relieved in a great measure from the persecution of my enemies, the reputed patriots of the day, I went over to England to ascertain Sir John Newport's intentions respecting the employment in question; I had an interview with him at his public office in Whitehall. He told me he was sorry he was precluded from complying with the solicitations of Mr. Fox and Lord Henry Petty, to nominate me to the agency of drawing for the money raised in England for Irish account. That he had been perfectly willing to do so, if it was consistent with an impartial performance of his public duty. He said, he had been willing to remove Mr. Rawlins, provided he found his political principles and conduct were not of the most liberal kind. That he had resorted in total ignorance of Mr. Rawlins to the authorities, which, he hoped, I would consider to be the most suitable to apply to, namely to the Lord Chancellor Ponsonby and Mr. Henry Grattan. He said, they replied to his enquiry, by stating there was no man in this country, who was a more strict adherent to all the liberal principles, which they professed, than Mr. Rawlins. He concluded by hoping, I would be convinced he acted upon the occasion with perfect impartiality. I took my departure, after expressing my obligation for the honourable part he had acted, and assuring him, that Mr. Grattan and Lord Chancellor Ponsonby would not find many in Dublin to agree with them in the report, they gave of Mr. Rawlins's political principles.”

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“ about the presentation of a Catholic petition this
“ year ; I have consulted with our friends, who all
“ agree in thinking, that, for the interest of the
“ cause, such a measure ought to be deferred to
“ another session. Measures are actually taking,
“ by the removal of Lord Redesdale, Mr. Foster,
“ and others, to shew the good intentions of the
“ ministry towards your body. Steps still more
“ important will be taken to manifest our disposi-
“ tion, by doing for the Catholics all that is con-
“ sistent with existing bad laws, by giving them
“ in substance what they have now only in
“ words ; a right to be in the army, to be corpo-
“ rators, &c. &c. *by a change of justices of peace,*
“ whose conduct has been notoriously oppressive.
“ I hope too, by some arrangement about tythes.
“ And, in fine, by giving you all the share in the
“ government of your country, that we can give.
“ The effect of these measures will be partly to
“ make the Catholics of the lower order more sa-
“ tisfied, partly to enable them to come with ad-
“ ditional strength and weight, when they again
“ assert their claims. I therefore strongly recom-
“ mend suspending the Petition for a time. If
“ however, it should, notwithstanding our wishes,
“ be presented, I will support it with all my power ;
“ but the divisions of last year and the opinions,
“ which have been industriously propagated in
“ this country, make me despair of success, unless
“ we could have active assistance from a quarter,
“ in which to look for passive acquiescence, is
“ perhaps, more than we can reasonably expect. If

“ we are beat, which we certainly shall be, and
 “ if the fall of our ministry should follow, which
 “ may be the case, you run the risk of a ministry
 “ being formed on the avowed principle of defeat-
 “ ing your claims, and thus you would put all
 “ hope further off than ever. I am, with great
 “ regard, dear Sir,

“ Yours ever,

“ CHARLES JAMES FOX.”

Mr. Fox having under an erroneous impression, that Mr. Ryan was an accredited agent and minister plenipotentiary to the Catholic body, and consequently commanded extensive influence over them, communicated through him his sentiments on their cause, and with equal unreserve avowed his disposition to serve his interests, must be supposed to have acted with that beneficence towards him rather in his delegated, than his individual capacity. Mr. Fox's blending the two objects in the same letter, raised difficulties in Mr. Ryan's mind. He took some days for consultation upon it with Lord French and other friends, before he proceeded to act upon it. He tells us in his narrative, that Lord French, upon seeing the letter, agreed with him in opinion, that he had no doubt of the appointment taking place, and *earnestly recommended him to go to England, to have the matter brought to as speedy a termination as possible.* Mr. M'Donnell, however, recommended other previous measures; and they were acquiesced in. The first of which was, the serving upon a select number of

Subsequent
conduct of
Mr. Ryan.

1806. gentlemen in Dublin (about 80 in all) the following circular notice:

“77, *Marlborough-street*, Feb. 26, 1806.

“SIR,

“I have to beg the favor of your attendance here on Saturday next at half past two o’clock, in order, that I may lay before you and other members of the Catholic body a letter, which I have received from Mr. Fox on the subject of their question. I am very truly, your’s, &c.

“JAMES RYAN.”

Indefatigable pains were privately taken to induce the Lords and some of the leading Catholics of fortune in Dublin to attend this meeting, and give sanction to what proposals might be made at it.

Catholic
Meeting in
Marlborough
Street.

A meeting of Catholics was holden on the 1st of March 1806, at the usual place in *Marlborough-street*, consisting of nearly of one hundred persons, mostly relatives and dependants of Mr. M'Donnell and Mr. Ryan; yet several uninvited Catholics of rank and respectability attended. Lord French, who had hitherto supported Mr. Ryan, became disgusted at an unwarranted assumption of power over the body: and when Lord Southwell was called to the chair, he opposed it with great energy. He said, that in the present state of the Empire, he would oppose the agitation of any question, that could tend to create ferment, alarms, or disunion amongst his Majesty's

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subjects : he was a friend to the present administration ; every Catholic in the land, who had a principle of gratitude in his heart, should be friendly to it. The present ministers were the most steadfast, zealous advocates, that ever supported the Catholic cause. From what had appeared to the public, and from communication of high and unquestionable authority, he was convinced, Mr. Fox and his friends could not during the present session with any prospect of success, and without the country's being deprived of the benefit of their great and splendid abilities, bring forward the discussion of the Catholic question. It would therefore be impolitic and ungrateful to agitate a measure, the result of which would be ruinous to their cause, injurious to their friends, and disgraceful to themselves. He would therefore oppose any person's taking the chair. Thereupon great tumult arose, which ended in Lord Southwell's taking the chair. Mr. M'Donnell then moved, that a letter written by Mr. Fox to Mr. Ryan on the subject of Catholic claims, should be read, which was objected to with great vehemence by a gentleman of the law, who insisted, that Mr. Ryan had without any authority assumed the character of agent for the Irish Catholics, and acted as their organ in corresponding with the minister. Such conduct he would not mark by any term of asperity, but would call it assumption. He felt himself bounden to reprobate it, as unwarrantable, and establishing a precedent, derogatory from the dignity, and injurious to the interests of the Ca-

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tholic body. Mr. Ryan was not less censurable in assuming an authority to convene a Catholic meeting, and calling together several gentlemen from their concerns, for the purpose of reading a letter, written to an individual by the English Secretary for Foreign Affairs. It became the dignity of the Catholics to reject such correspondence, whether public or private. If public, Mr. Ryan had transgressed against the rights of the body, in assuming a character, which the body alone could confer. If private, he had violated the sacred ties of friendship in communicating to the public, the contents of a private correspondence. In either case it would be most highly improper to suffer the contents of the letter to be read in a public assembly.

Result of
the meeting

Mr. Ryan said, he had a right to correspond with any person he pleased. Mr. Fox had long since honored him with his friendship; he had corresponded with him as with an individual, not as agent for the Catholic body; and as Mr. Fox's letter contained matter of vast importance to the Catholics, he felt it an imperative duty to communicate it to the public. In this and in every other instance, his friendship for individuals, however high their rank and consequence might be, should yield to his zeal for the Catholic cause. He had consulted several gentlemen, (particularly Mr. M'Donnell) upon whose good sense and judgment he had the utmost reliance, on the propriety of calling the present meeting: and acting under his advice and authority, he felt himself fully justi-

fied. The question being then loudly called for, Lord French most earnestly conjured Mr. Ryan and Mr. M'Donnell not to divide the Catholic body, which must be the case, if they persisted in carrying the present motion. Division would disgrace and utterly ruin the Catholic cause; and he therefore conjured them by every tie, that connected them with the present generation or posterity, not to press the motion then pending. A general cry of Question ensued, and Lord French, and about twenty, chiefly of the uninvited gentlemen, quitted the meeting. Part of the letter was then read by Mr. Ryan; the remainder, he said, was of a private nature, and did not concern the Catholics. Mr. M'Donnell drew out of his pocket a list of some Lords and country gentlemen then absent, and of a number of his own friends, dependants and relatives, whom he proposed, as persons proper to compose the committee, and they were accordingly named.

On the Tuesday following, this new committee met at Mr. M'Donnell's house in Allen Court, and there resolved, with the exception of two dissenting voices, that it would be inexpedient to press a discussion of the Catholic question, during the present session of Parliament; and that it would be proper to present an address on behalf of the Catholics to the Duke of Bedford, congratulating him on his appointment to the chief government of Ireland, and expressing their confidence in the wisdom and abilities of the illustrious personages, who composed the present administration. The

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Meeting of
the new
Committee
at Mr. M'
Donnell's.

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two dissenting gentlemen protested against the legitimacy of this self constituted committee, and the irregularity of its proceedings.

Catholic
Meeting in
Earl-street.

On Saturday the 8th of March, another meeting was summoned to attend at the Coffee-house in Earl-street. Lord Southwell having been called to the chair, Mr. M'Donnell entered into a detail of the proceedings of the last meeting, lamented that any division or difference had taken place, which he insinuated was owing to the mortification some gentlemen felt at not having been summoned. Mr. Ryan had sent notices of the intended meeting to all the Catholics of respectability in Dublin, whom he could recollect; and a most respectable committee had been appointed, who unanimously approved of a resolution, *of unlimited confidence in the present ministry, and that it would be inexpedient for the Catholics to press a discussion of their question, during the present session of Parliament*, which he accordingly moved. Mr. N. Mahon seconded the motion. A gentleman, who opposed the resolution, moved an adjournment to Thursday the 13th of March. Lord French rose, to vindicate his conduct in seceding from the meeting of the 1st of March. He had supported Mr. Ryan on former occasions, because he thought him active and zealous in the cause. To his personal advancement he could have no objection; he wished him joy on his appointment to a lucrative situation: at the same time cautioned him in private, not to call any more meetings. Yet notwithstanding his remonstrances and entreaties he had called

a meeting on the preceding Saturday, which he (Lord French) attended, and there used his utmost exertions to prevent the reading of a letter-written by Mr. Fox to Mr. Ryan, but in vain. Conceiving it disgraceful, to sanction such proceedings by his presence, he and some other gentlemen had withdrawn. Mr. Ryan nearly repeated the speech he had made on the preceding Saturday, adding, that he expected, but had not solicited an appointment. He insisted on the purity of his motives, and said, if he had copies of the letters he had written to Mr. Fox, they would bear testimony to his upright and honorable conduct; he would write to Mr. Fox for them, though he did not think himself bounden to produce them, as gentlemen would not agree that Mr. Fox's letter to him should be read. He concluded by giving friendly advice to the meeting to pass the proposed resolution, and to negative the adjournment. The clamor for adjournment became violent, and was unanimously carried.

On the 13th of March, above 800 Catholics assembled at the Repository in Stephen's-green, and Lord French having declined taking the chair, Mr. Val O'Connor was unanimously called to it. The publication of the resolutions proposed at that meeting will open the eyes of the public to the true cause of the dissension, which then divided the Catholic body. It was not a factious spirit, but a sense of honor; a high feeling for Catholic character and Catholic interests, that induced some men, who were supported by the independence of

1805.

Aggregate
Meeting at
the Repository.

1806.

the city, to oppose themselves to what appeared to them a base attempt of certain individuals to ride over the Catholic body, and to lay hold of the question of their rights, and their claims, to trade and to barter upon, for their own lucre and interest.

First Resolution of the aggregate Meeting.

1st. "Resolved, that the holding of meetings at any private house for the general concerns of the Catholic body is unfavourable to the freedom of discussion, and inadequate to the collection of public sentiment."

After an over-heated debate, this first resolution was carried unanimously, though in the absence of Mr. Ryan, who had left the meeting, in order to bring thither the whole of his correspondence with Mr. Fox, which Mr. Keogh* particularly

* It is not the intent of this work to publish the debates of the Catholic meetings, which may be uninteresting to the nation at large. We lay before the reader a part of Mr. Keogh's speech, on voting for this first resolution, as a valuable document of the rising consequence of the Catholic body, and of the nature of the late Dublin committee, of which so much has since been said both in the Catholic meetings and in the Imperial Parliament. It will let in much day light upon the conduct of Mr. W. W. Pole in publishing his late circular letter to prevent further meetings of the Catholic body; which is an event of high national importance, though not falling within the chronological scope of this history. Mr. Keogh knows more of the true interests of the Catholic body, and has by his personal exertions procured them more real advantage, than any other individual now in being. The following part of his speech is an instructive and faithful pourtrait of the Catholic body, at the periods, to which he refers.

"Mr. Keogh supported the resolution; he went into a concise and accurate statement of the mode of proceeding, adopted by

urged, had become the property of the Catholic 1806.

the Catholics at a period of abject servitude, and the vilest degradation, when the Catholics would scarce dare to look a Protestant in the face ; when they had not courage to walk upright and erect as other men, and were marked by the caution and timidity of their gait and demeanour ; when the meanest Protestant, that crawled in the streets, considered himself a divinity compared with a Catholic. Even at that calamitous period, the mode of Catholic proceedings was dignified and honorable. The householders of Dublin then met in their respective parishes. They appointed four of their body from each parish to form their committee. The large towns and counties were invited to send members to this committee so appointed, to speak their sentiments, and consult their interests. This committee fixed upon a sub-committee of seven or more to deliberate, and report the result of their deliberations ; and before any determination was resolved on, the sentiments of our fellow citizens of every persuasion were consulted, and the proceedings became then the result of experience, wisdom, and mature deliberation. They kept regular books, and registers, and the utmost harmony, order, and regularity prevailed in all their discussions. If he were rightly informed, for he had not the honor of being at, nor had he received any invitation to attend the late meetings, every step they had taken was irregular. They assembled without authority. They voted themselves the Catholic body, and appointed committees and delegates, as they thought fit. He enquired, if they kept books, papers, or registers ; if they had had a Secretary, or if any documents of their proceedings could be produced. (Mr. Edward Moore then declared, he had acted sometimes as Secretary ; in general they had no Secretary at all ; and Mr. Ryan added, that any papers or documents of those proceedings that existed, were in the hands of Lord Fingall). Mr. Keogh proceeding, said it was clear, that nothing but confusion, disorder, and irregularity could prevail at these meetings. The person too, who had convened them, had assumed an high and important character ; the first in dignity and importance, that the Catholics could confer. As plenipotentiary for the Catholics, he had commenced a correspondence with his Majesty's

1806.

body, and ought to be deposited with the Chairman for further consideration.

Debate on
the second
Resolution

The 2d resolution* produced a most intemperate debate, which lasted for two days of very stormy discussion. This prevented the other resolutions from being brought forward. They all tended to secure the Catholic body from being dictated to, and managed by any man or men likely to be actuated by motives or views of ambition or interest: as manifestly appeared by the speech of Mr. Lynch on that occasion.

“ I must, however, again earnestly beseech this meeting not to confound the Catholic cause with that of an individual. The Catholic committee in 1792, emancipated themselves from the thralldom of some of the most respectable members of our

ministers; a correspondence, that was become the general topic of conversation in the metropolis, and would, as the assizes were approaching, become the table chat of every society in the country. The substance of the correspondence had crept into the public prints; part of it had been laid before one of those meetings, which was held at Mr. Ryan’s, and public rumour had coupled it with a promise of a very lucrative employment. He submitted, that those letters were now become the property of the Catholic body, and begged to know, if they were in the hands of the Secretary to the meeting held at Mr. Ryan’s, or whether they were then forthwith coming.”

* “ RESOLVED, That the last meeting at Malborough Street, “ stands accused of having been brought about, by private invitation and partial selection, at once degrading to the honorable course of our proceedings, derogatory from the dignity, “ and injurious to the interests of the Catholics of Ireland; and “ that it is the right of Roman Catholics to enquire, and determine, whether, or how far, they have been deluded, or betrayed.”

1835.


body, who though distinguished by rank and fortune, were unable to stand up against the weight of the Catholic cause; and were crushed under its magnitude. You all, or most of you, remember it. Will you now tamely submit to be held in leading strings, to be moved backwards or forwards according to the views and conceptions of one, two, or three individuals? Are you unequal to the perception of your own interests, and is the capacity of managing them vested alone in those one, two, or three individuals? I do protest, I believe these gentlemen to be in many points respectable, but I cannot subscribe to the doctrine, that to them solely we should trust the management of our concerns; or on their wisdom, integrity, and experience so perfectly rely, as to repose upon our pillows without fear or suspicion as to the event. What is it we call for? What is it we propose to you? I'll tell you. We propose to take you out of the hands of any man, or of any set of men; and redeliver to the exercise of your own judgments, the superintendence of your highest interests. We propose to you to form a committee from your aggregate body, taken by your own choice from the most respectable of your clergy, your landed proprietors, your merchants and traders, and your several learned professions, (your Peers being standing members thereof.)

“ We propose by this measure to render it impossible for any man, or set of men, Peer, or Commoner, to go up in your name to the minister; and to anticipate the movements of the Catholic body.

1806.

We propose your committee should act, should think, should speak for *you* ; because such a committee, being the trustees of your own appointment, would then think, act, and speak as yourselves. In a word, we propose to render it morally impossible, that any party small in number or otherwise, should have undue weight or sway among you ; and above all impossible, that you should be the tool of any party."

Mr. Ryan's
correspon-
dence with
Mr. Fox
deposited
with the
Chairman.

On this occasion Mr. Ryan having desired to read to the meeting the copies of his letters to Mr. Fox, which at a former meeting he had said, he must write to Mr. Fox to procure, was charged with want of memory or candor. The lecture of them was resisted, and they were deposited in the hands of Mr. O'Connor the Chairman at that meeting, as appears by Mr. Ryan's* letter published in his narrative, which also tends to open the spirit and effect of this meeting at the Repository.

* From the Freeman's Journal of the 11th August, 1810.

" Dear Sir,

" Being informed this evening, that it is likely some persons,
" who held a meeting this day in Essex-street may demand of
" you the letters, which I deposited in your hands some time
" ago at a Catholic Meeting held at the Repository in Stephen's-
" Green, I have to repeat what I formerly communicated ver-
" bally to you, that I shall not consent to have the letters in
" question delivered to those persons, and, therefore, I have
" to insist, that you will retain them. The two reasons, that in-
" duce me to object to the production of the letters, are these ;
" First, that the present Committee is not authorised to enter
" into any investigation of them, as such authority was denied
" to the Members of it in every parish in Dublin except two,
" namely, Francis-street, and Arran Quay. And besides, this

The first person, who rose to speak to the second resolution, was Mr. M'Donnell, who unreservedly avowed himself the person, who advised Mr. Ryan to call the meeting alluded to in the resolution. Notices had been sent, he said, to almost every person in the city, who was known to have been active in the proceedings of last year. It could not be denied, that the meetings of 1805 were very select, and comprized the

1806.

Debate on
the second
resolution.

“ this Committee is very differently constituted from the one,
“ which was contemplated, when I proposed to deliver my letters for enquiry. My second reason is, that I have grounds
“ to justify me in concluding, that no very impartial investigation would take place. I have only further to say, that it is
“ my most anxious desire, that a fair, impartial, and candid
“ examination of those letters should be immediately instituted
“ by men, who would have for their object the attainment of
“ truth, and who would not be warped by foul and malicious
“ jealousy. I would, therefore, propose, that even my accusers may nominate any given number of men, and I shall
“ name an equal number of acknowledged men of honor, and
“ to them I will submit the investigation sought for; but on no
“ other terms shall I ever give my sanction to such a proceeding; and I am sure you will agree with me, that if this proposal be not accepted, that these men, who are now clamorous for enquiry, are not solely actuated by the motives they
“ profess. I have again, Sir, to repeat, that I do insist my letters will not be given up by you to any body of men without
“ my consent. You hold them alone by my permission, as the
“ resolution respecting them, which was intended to be proposed, was not brought forward on the day I handed them to
“ you, because the party, who meant to support it, was conscious it would be negatived.”

I am your obedient humble servant,

JAMES RYAN.

1806.

property and respectability of the country; and had the support and approbation of those very gentlemen, who then thought proper to condemn recent meetings exactly similar. The *habeas corpus* suspension act was in force, when the meeting of the 1st of March was called; and he appealed to the honor and candor of gentlemen, whether any other mode of collecting the sense of the Catholics could be resorted to. He had selected a committee out of the most respectable of their persuasion, such as no man could object to; and as he saw gentlemen obstinately bent upon carrying the proposed resolution, he would not remain to have a censure passed on his conduct, which he trusted would meet the approbation of a more impartial meeting of his fellow citizens. Mr. M'Donnell then retired. The debate continued for some time, and after much confusion adjourned to the next day. Mr. M'Donnell reappeared at the adjourned meeting on the next day with several persons, who had not attended on the first day of the debate. But the intemperate confusion, into which the meeting was thrown, lasted several hours; and the tumultuary scene was closed by a motion for adjournment for one month, which was with great difficulty put, but carried unanimously.

Difficulties
raised on
the Conven-
tion Act.

The ferment, into which the public mind in Dublin was worked up by the intemperate declaration of opposite partizans at the late Catholic meetings, was partially allayed by the open notice and comments on the Convention Act in the different periodical publications. It was a sore and

1806.

embarrassing warning to the Catholics, who naturally and justly wished to enjoy a full, fair, and efficient organ, through which to convey their grievances to the Throne or Parliament. They were advised, that the proviso in the Convention Act, *that nothing therein contained should prevent the right of his Majesty's subjects to petition his Majesty or the Parliament*, kept alive and open to them all practicable and peaceable means of learning and collecting the sense of individuals, as well as of conveying it in the form of a petition to the Throne or Senate: which could not be otherwise effected, than by some sort of representation or delegation; more especially, where the number of the complainants amounted to more than five millions. The Convention Act, which passed in 1793, was one of the baleful measures of the Pitt system; to muzzle the victim before the infliction of torture: to render the voice of the subject equally unproductive of prevention and redress. It had for 13 years since its enactment lain dormant: and the Catholics had been permitted without interruption by every administration* during that period

* It was reserved for the Richmond administration first to act upon this statute, which had slept for 18 years, when Mr. W. W. Pole the Irish minister wrote the following circular letter to every sheriff and magistrate throughout Ireland without any previous notice or warning to any of the supposed offenders against the law.

“ *Dublin Castle, Feb. 12, 1811.*

“ SIR,

“ It being reported, that the Roman Catholics in the county of
“ are to be called together, or have been called

1806.

Address to
the Lord
Lieutenant.

to collect and express the will of their body in the way most agreeable to themselves. Their internal differences upon the most efficient and dignified manner of attaining their object broke not into the peace of the public, and must have gratified those, whose policy it ever was to divide and weaken that body. The Catholics in Dublin, and in some of the counties held meetings, at which they resolved upon addressing their new Lord Lieutenant. The address from the Roman Catho-

“ together, to nominate or appoint persons or representatives,
“ delegates or Managers, to act on their behalf as members of
“ an unlawful assembly, sitting in Dublin, and calling itself the
“ Catholic committee, you are required, in pursuance of the
“ provisions of an act of the 33d of the King, chap. 29. to
“ cause to be arrested, and to commit to prison (unless bail shall
“ be given,) all persons within your jurisdiction, who shall be
“ guilty of giving, or having given, or of publishing, or hav-
“ ing published, or of causing, or having caused to be given or
“ published, any written or other notice of the election and ap-
“ pointment, in any manner, of such representative, delegate
“ or manager as aforesaid; or of attending, voting, or acting,
“ or of having attended, voted, or acted in any manner, in the
“ choice or appointment of such representative, delegate or
“ manager. And you are to communicate these directions, as
“ far as lies in your power, forthwith, to the several magistrates
“ of the said county of

“ N. B. Sheriffs are to act under the warrant of magistrates,
“ in cases, where the crime has been committed.

“ By command of his Grace the Lord Lieutenant.

“ W. W. POLE.”

“ To ———, &c. &c. &c.”

lies*, shows the general sentiments of the body at that period towards the new ministry. 1806.

“ To his Grace John Duke of Bedford, Lord Lieutenant, General and General Governor of Ireland.

“ The most dutiful and humble address of the Roman Catholic inhabitants of the city of Dublin, and of sundry others of that persuasion, his Majesty's most dutiful and loyal subjects.

“ We, his Majesty's most loyal subjects, Roman Catholics, beg leave to approach your Grace, with our most humble and sincere congratulations on your arrival to govern this part of the United Kingdom. Deeply sensible of our most gracious

* It was presented to his Excellency at the Castle on Tuesday the 29th of April 1806. It was signed by

The Earl of Fingall

The Earl of Kenmare

* Lord Gormanstown,

Premier Visc. of Irel. }

* Lord Visc. Southwell

Lord Trimlestown

Hon. Robert Plunket

Hon. Charles Southwell

* Sir Edw. Bellew, Bart.

* Sir H. O'Reilly, Bart.

Sir Thos. Burke, Bart.

Sir Francis Goold, Bart.

* Robert Caddell

* Philip Roche

* Richard O'Shee

* James Nangle

* D. W. O'Reilly

* Richard Bolger

* John Fitzsimons

* Hugh Hamill

* John Roche,

And upwards of 1000 respectable Roman Catholic gentlemen from different parts of Ireland.

N. B. Those marked* were at the presentation.

1806.

Sovereign's most condescending benignity, in every instance, we acknowledge more than common gratitude, for this last and conspicuous mark of his paternal regard. In the new choice of his confidential servants, he has most wisely consulted the glory of the Empire, in the selection of a nobleman to fill the high office of Lord Lieutenant of Ireland, whose rank adds splendor to dignity, whose character inspires trust, and whose name possesses an hereditary title to our affections and attachment. We reverently admire his Majesty's tender considerations for the interest and feelings of his loyal Irish people. We therefore with unanimous joy, hail the appointment of your Grace, as the omen of royal favour, and as the declaration of his Majesty's most gracious pleasure, to strengthen this part of his Empire, and give the most beneficent exertion to the existing laws.

“Thus it will be the atchievement of your Grace's administration to have guided a salutary and comprehensive scheme of policy, to that glorious development, of which the advantages have been in part displayed, and the important consequences must be to invigorate the admirable British constitution by introducing a loyal people to defend it, as their own chief good.

“May your Grace permit us to conclude with the expression of those sentiments, in which all Irish Catholics can have but one voice. Bound as we are to the fortunes of the empire, by a remembrance of what is past, and the hope of future benefits, by our preference and by our oaths,

should the wise generosity of our lawgivers vouchsafe to crown that hope, which their justice inspires, it would be no longer our duty alone, but our pride, to appear the foremost against approaching danger; and, if necessary, to remunerate our benefactors, by the sacrifice of our lives."

To this address his Excellency was pleased to give the following answer:

" I feel great satisfaction in receiving this testimony of the loyal and constitutional sentiments of the very numerous and respectable body, who have signed the address now presented to me, and I cannot adequately express, how much I am gratified by your recollection of the services of my respected ancestor, and by the confidence you repose in me, and those distinguished persons lately called to the councils of his Majesty. In the high situation, in which his Majesty has been graciously pleased to place me, it is my first wish, as it is my first duty, to secure to all classes and descriptions of his Majesty's subjects in this part of the United Kingdom the advantages of a mild and beneficent administration of the law. With this important object in view, I entertain no doubt, that the Roman Catholic inhabitants of the city of Dublin will, by their loyalty to the king, their attachment to the constitution, and their affection to their fellow-subjects, afford the strongest recommendation to a favourable consideration of their interests."

1806.

Answer of
the Lord
Lieutenant.

1806.

Resolutions
of a Catho-
lic meeting
in William-
street.

In order to prevent any mischievous consequences to the body at large from the late divisions and tumultuary proceedings of the Catholics at their different meetings, and with a view to point out to their brethren the individuals, in whom the predominating part of the Catholic body principally confided, a very numerous and respectable meeting convened in William-street passed, and for several successive days published in the daily prints the following resolutions :

“ At a meeting of the Roman Catholics, held on
“ the 15th of April, 1806, at the Exhibition-
“ Room, William-street.

“ DOCTOR SHERIDAN in the Chair,

“ The following Resolutions were unanimously
“ agreed to :

“ RESOLVED, That Thomas Lord Baron French
“ having formerly been one of the persons en-
“ trusted by the Irish Catholics with a most im-
“ portant mission, of which the issue was memo-
“ rable and successful; having also, since that
“ time, persevered in his fidelity to the Catholic
“ cause, and lately given a decided proof of his
“ spirit, integrity and patriotism, in opposing,
“ detecting and crushing a dishonourable and
“ pernicious attempt, the said Lord French
“ justly and honorably enjoys the confidence of
“ the Catholics of Dublin, who have immemorial-
“ ly proved themselves deserving of the confi-
“ dence of all the Irish Catholics, by their zeal,

“ vigilance, activity, incorruptible honour, and
“ invincible perseverance. 1806.

“ **RESOLVED**, That John Keogh, Esq. of
“ Mount Jerome, having devoted the best years
“ of a long and meritorious life to alleviating the
“ calamities of penal law, and having been the
“ great exciter of that spirit, which successfully
“ pleaded for our deliverance, and received a fit
“ reward in the admiration of his fellow Catho-
“ lics; having also in a late instance set aside
“ the consideration of years, infirmity, full ser-
“ vices and private friendship, and come forth to
“ rescue the Catholics from a mischief, that
“ threatened to undo his labours; and having
“ lastly declared, that he offers the remainder of
“ his life to the same objects, to which he had
“ dedicated all his former existence, the said John
“ Keogh, Esq. has thereby added, not to the con-
“ fidence of the Roman Catholics, which always
“ reposed in him, but to our gratitude, and to his
“ merits, and to the just authority of his name.
“ **RESOLVED**, That the above resolutions be
“ inserted in the Dublin Papers.

“ J. BERNARD CLINCH, Sec.”

The Halcyon prospects, which Ireland entertain-
ed from the change of ministers, produced numer-
ous addresses from particular bodies or descriptions
of the inhabitants to the Lord Lieutenant. It
must be allowed, that most of them were monitory
and significant. They conveyed not to the seat of
government the usual adulatory congratulations

Nature of
the address
proposed to
the Lord
Lieutenant.

1806.

upon the mere circumstance of change: but emphatically referred to the political circumstances, under which the addressers (they had their local*

* As the Catholic population of Ireland constitutes so decided a majority of the nation, it becomes the duty of the historian to bring before the public such of their acts and sentiments, as affect the public weal. The individuals, who compose the aggregate of the five millions, of which Catholic Ireland consists, will as naturally differ from each other upon political topics, as 5,000,000 human beings of any other description. But where one common object occupies the wishes and rouses the energies of the whole, their subordinate differences, as to the modes of attaining it, prove their sincerity and perseverance, which must ultimately be crowned with success. This appears from the following resolutions of an occasional meeting of the Roman Catholics in Dublin, which speak too intelligibly to need comment.

“ At a meeting of Catholic gentlemen, held in Dublin, on the
“ 3d of April, 1806.

“ James Nangle of Kildalkey, Esq. in the chair.”

“ It was unanimously agreed upon, that as the parochial
“ meetings in Dublin have within these few days appointed
“ agents for the purpose of preparing an address to His Grace
“ the Duke of Bedford, on the part of the Catholics of the city
“ of Dublin exclusively, and of further superintending, on their
“ part only, the concerns of the Catholic body, We conceive
“ it to be of much importance to that body, that its nobility,
“ clergy and gentry, its landed interest, its learned professions,
“ its merchants, traders and other inhabitants, resident in the
“ country parts of Ireland, should be likewise provided with a
“ medium near the seat of government, through which equally
“ to express their sentiments, feelings and wishes, and by means
“ of which to promote their respective interests.

“ The expediency of such a measure at this present time, is
“ obvious. We do indulge in a well grounded hope, that the
“ laws, which still affect us, will, through the wise and benignant

and peculiar feelings) felt themselves aggrieved, or hoped to be benefited. A petition from the Catho- 1806.

“ suggestions of our gracious sovereign, be taken into early consideration by those virtuous and illustrious men, whom he has been lately pleased to call to his councils. Experience has moreover proved to us, that the superintendence of our interests cannot, with a view to their final success, and with a due consideration of the good order, welfare and prosperity of the empire at large, be with safety entrusted to any others among us, than those, who shall include with them the most attainable weight, talent and property of the Catholics of Ireland.

“ Influenced by these considerations, we have formed ourselves into an association, in which we hope, shall be comprised the full respectability of the Catholic body. Its object shall be earnestly, but temperately, to embrace every favourable occasion, that may offer, to accomplish the removal of those legal restrictions, under which we still labour; a measure of policy, to which we fondly look, not only to produce the amelioration of our own particular condition, but as the most direct means of concentrating the resources, perfecting the strength, and wielding against the enemies of the British Empire, its unrestrained and undivided energies.

“ RESOLVED, That Counsellor Fitzsimon, be requested to act as Secretary to this Association.

“ RESOLVED, That our Chairman and Secretary be directed to give intimation of our proceedings to the Catholic noblemen and principal gentlemen of Ireland, and to request their co-operation.

“ RESOLVED, That our thanks be, and are hereby given to James Nangle, Esq. for his proper conduct in the chair.

“ RESOLVED, That the proceedings of this meeting be published in the Evening Herald, and in the Dublin Evening Post.

“ JAMES NANGLE, CHAIRMAN.

“ M. FITZSIMON, SECRETARY.”

1806.

lics of Newry, presented to the Lord Lieutenant on the 1st of May, contained this manly admonitory language: " We contemplate, in this event, " a sure pledge of that equal administration, " which has been the object of our wishes, and " which has appeared to be the more removed " from us, as the laws to our disqualification have " been repealed. To those principles of constitutional freedom, of which your illustrious family " have ever proved themselves the advocates, we " are devotedly attached. We revere the British " constitution, and we hope from an enlightened " legislature, an entire participation of its franchises; we wait this consummation of our " hopes. Meanwhile, under your Grace's administration, we do not fear, but we shall experience, that the relaxation of the penal laws, " under which we and our forefathers have so severely suffered, shall not have been in vain. " While the magistracy, the army, places of " subordinate trust and profit have been made accessible to persons of our persuasion, we have " seen a jealous and exclusive spirit, rendering " those concessions nugatory. Our poor, our industrious labourer and mechanic, have been " made to suffer, under the partial exercise of " ill-understood and ill-executed local authority; " and having no other medium of judging of the " spirit of his Majesty's government, they have " been at times led to fear it was adverse to their " happiness. We bless the Divine disposer of " events, that an æra more auspicious opens to

“ our country, and to us. No longer shall we
 “ see power abused, to the oppression of those,
 “ for whose protection it was designed ; nor shall
 “ the character of a loyal people be misrepresent-
 “ ed by those, who seek their debasement.”

1806.

The county of Wexford had, on the 10th of April, come to a string of resolutions, in which they expressed their unlimited confidence in govern-

Resolutions
of the county
of Wexford.

ment to grant them redress, at the time, and in the qualified manner they should think best.
 “ We place the highest reliance on the candour
 “ and integrity of those great and distinguished
 “ characters, called at a trying and arduous mo-
 “ ment into his Majesty’s councils, and we con-
 “ template with pride and pleasure, a combina-
 “ tion so powerful, of worth and talent, support-
 “ ing the real interests of the country :

“ RESOLVED, that in soliciting our emancipa-
 “ tion, we have just reason to consult the wisdom of
 “ government, and not, by any premature or un-
 “ timely agitation of claims, embarrass ministers
 “ at this critical season.”

Their subsequent address to the Lord Lieutenant expressed their confidence in his Grace’s government for the extinction of religious animosities, and a *seasonable* participation of the benefits of the constitution, with their Protestant brethren. The county of Clare,* and several other bodies

Address of
the counties
of Wexford,
Clare, and
others to
the Lord
Lieutenant.

* At a meeting of the Catholics of the county of Clare, at Ennis, on the 31st of March, Mr. O’Gorman, though strongly recommending plenitude of confidence in the ministers, held this prudent and cautionary language : “ Though I would strongly

1806-

of Catholics, that separately addressed the Lord Lieutenant, expressed their entire confidence in the new ministers, and disclaimed any intention or wish to limit their assumed zeal in the Catholic cause either to time or measure.

Addresses
from corporations to
the Lord
Lieutenant;
and of the
Bar to the
Chancellor.

Congratulatory addresses came in from the different corporations; all of one general tendency, referring to the government of his Excellency's grandfather, and expressive of national confidence in the name of *Russell*. The nation in general anticipated from the spirit and fortune of the Duke of Bedford a greater display of splendor and hospitality, than had for many years graced the

" recommend confidence in the present administration, let me
 " not be understood to say, that our claims should be put off
 " *sine die*; no, let us judge of the present administration fa-
 " vourably, but let us decide on the evidence of facts only. No,
 " I trust no Catholic will ever lose sight of this question: I
 " trust from the peer or grand juryman to the meanest peasant,
 " a sense of the justice of their cause will pervade all; that day
 " and night it will be before their eyes. They owe it to them-
 " selves, to their country, to posterity and humanity. I hope
 " (to use the language of one of our illustrious advocates) there
 " will be no Catholic, who will not be of opinion, that the de-
 " pression of the body is not so much the persecution of a sect
 " as the tyranny over a people; and to use the language of
 " another illustrious advocate of the cause (Mr. Fox himself) it
 " ought to be our duty to pursue this question in spite of every
 " temporary obstacle. Yet I would still strongly recommend eve-
 " ry Catholic (though an attachment in any administration to the
 " measure should enter strongly into his calculation in the sup-
 " port he gave them, and should even form the basis of that
 " support) to wait cheerfully and dutifully; he should recollect
 " the strength and growth of the cause, and that imprudence
 " or intemperance could alone endanger its ultimate success."

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Castle. The latter part of Lord Hardwicke's administration had been marked by restrictions in the viceregal expenditures, which wore the appearance of the meanest parsimony. They were usually placed to the account of the œconomizing directions of Dr. Lindsay, the Scotch prelate of Kildare. An address was presented to the new Chancellor, Mr. G. Ponsonby, by the Munster bar, of which he was a member, on the 10th of April, to which, the best return, he said, he could make, was a pledge of his constant endeavours to discharge with diligence and integrity the duties of the great trust his Majesty had placed in him. On the 29th of April, the gentlemen of the Irish bar met, in pursuance of notice, in the Chancery chamber, for the purpose of considering of an address, congratulating the Lord High Chancellor of Ireland on his appointment to that high judicial station. Mr. Saurin, as one of the committee for preparing the address, produced a copy of it, which was unanimously and instantly adopted; and he then moved, that it should be presented by the Attorney General. Mr. Bethel rose and said, that no man respected, more than he did, all official and judicial authority; but he begged it to be recollected, that the address, about which there could be but one opinion, was the just and unbought tribute of the Irish bar; and that therefore it should be presented in the most public, independent and respectable manner; and he indulged an ardent wish, that he should see in the procession a man, who had deserved well of the

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bar. A man, who had worn the King's gown twenty-four years, and had truly worn it as the mantle of honor and independence; he meant *John Philpot Curran*.* Mr. Saurin tenaciously persisted in the address being presented by the Attorney General; and it was resolved, that Mr. Sherlock, the Father of the Bar, should wait on the Chancellor, to learn when he would be pleased to receive it.

Case of Mr.
Curran.

The conduct of government to Mr. Curran forms one of the most mysterious and important transactions of this short-lived administration, in as much as it deeply affected the feelings, interests and reputation of one of the very few public characters, to which Ireland has unceasingly looked up with love, confidence and admiration. It is an act of national justice to draw aside the veil, and shew how her long tried and trusty friend and supporter on all occasions, was in this instance treated. The Irish fairly appreciate the sincerity and good will of their rulers by their conduct towards those, who cordially espouse the people's cause. Mr. Curran opened his political career, by making his country's cause his own. Upon no occasion, under no menace, under no danger, under no persecution, under no lure, no promise, no temptation, did he ever qualify his principles, moderate his zeal, or relax his energies in the popular cause.

* Thus early and shrewdly was it anticipated, that a parri-
cidal reluctance existed *some where*, to bring those two rivals into
public contact.

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In the year 1789, when a torrent of misrule and corruption was bearing every thing before it, Mr. Curran was one of the select band of patriots,* who formed a virtuous connection to stem it. In settling amongst themselves their prospective arrangements, it was then openly agreed upon by the whole party, that if any circumstances should arise, under which it might become honorably open to them to accept of office, it should be on the terms of Mr. G. Ponsonby taking the first, and Mr. Curran's taking the second place in the course of their professional advancement. That precedence to Mr. Ponsonby was not then conceded from his superior situation at the bar (Mr. Curran was then far above him) but solely on the ground of his family connections in the country. Upon the basis of that compact, which was always publicly known to the whole party, Lord Fitzwilliam, in 1795, nominated Mr. G. Ponsonby to the office of Attorney General, and Mr. Curran to the place of Solicitor General. On the late change, Mr. Curran was the only interested member of that party, who remained in Ireland. He reposed in full confidence, that the compact was still in force; and when Mr. G. Ponsonby had accepted the seals, he expected, of course, to have been appointed to the next attainable situation, which was the office of Attorney General. It was, in fact, the only place in the power of the

* It was a small party, though powerful in talent, virtue, &c. The Duke of Leinster, Lord Ponsonby, Mr. Grattan, Mr. George Ponsonby, Mr. Forbes, Mr. Bowes Daly, &c.

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new administration to vacate. From its official rank in the government, it was the natural passage to that place in the King's Bench, to which, as next in professional advancement, Mr. Curran was entitled under the compact to look up to. Since the final arrangement of the new ministry, he had been apprised by letters from Mr. Grattan, Mr. G. Ponsonby himself, and others in London, that *his interest had been taken care of*. Mr. Ponsonby had moreover communicated the same to a relation of Mr. Curran's, then in London; directing him to inform Mr. Curran, *that his place of Attorney General was fixed*; consequently that his quitting Ireland would be useless.

The Rolls
offered to
Mr. Curran.

The Duke of Bedford soon after arrived in Ireland, and Mr. G. Ponsonby, the new Chancellor became, to all substantial purposes, the Irish minister. At the first meeting, which was accidental, Mr. Curran was assured by the Chancellor, that his friends *had not been unmindful of him*, and hoped, that he would find every thing perfectly to his satisfaction. Within some few days, the Duke of Bedford sent for Mr. Plunket, the then Attorney General, and assured him, that he was not to be removed. To Mr. Curran the fact was incomprehensible. The Chancellor left it in all its darkness;* for when they next met,

* Sensible of the extreme difficulty of verifying certain secret acts of the Cabinet, which are nevertheless highly interesting to the public to be known, the Author hopes to be justified in his attempt to develope the system of governing Ireland, for submitting to the reader some circumstances, which were at that time not lightly believed by the few, who were the most ob-

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(it was again by accident) his Lordship was silent on the subject. The mystery began to unveil it-

servant of the passing events of that critical period. He pretends not to possess any document, by which he can prove the full truth of the manœuvre. He abstains, therefore, from mentioning names. An intimate friend of the then Attorney General, who well knew his readiness to draw with Lord Grenville and Mr. Ponsonby, under whose controul and management the affairs of Ireland were likely to devolve, and wishing to secure for his friend the important situation, from which he hoped to preclude his intended successor, exerted his influence upon the mind of a very respectable prelate, now no more, so successfully, as to have instilled into it all his own prejudices against Mr. Curran. He represented to the Rev. Prelate the extreme danger of admitting to the councils of the executive, and investing with political authority the man of the people, whose rights he had always supported with such transcendant powers, and who had advocated the cause of the most noted rebels with an ardor scarcely compatible with loyalty. That to name him to the important and confidential situation of his Majesty's Attorney General, would be to let the enemy into the camp, and surrender the system at discretion. The reverend prelate, though formerly noted for his liberality of sentiment, was electrified with the sympathies of his friend, and was persuaded to exert his warmest efforts with his brother in England, whose opinion in the cabinet was supposed to have great weight. As soon as the course of the post would allow, these unfair representations from Ireland were conveyed over the head of the Lord Lieutenant, and lodged in the hands of a noble member of the British cabinet, who permitted them to lose nothing by transmission, and in a very short space of time a *Veto* was put upon the admission of Mr. Curran into any situation of political confidence or power, and something like a peremptory mandate was dispatched to Ireland, to confirm Mr. Plunkett in his situation. If this account be correct, Mr. Curran was sacrificed to the intrigues of the secret cabinet, and with him were given up the principles of that party, which had come into power, upon the avowed undertaking to change the whole

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self from England. Lord Ponsonby, then confined in London by that sickness, which was soon to terminate his valuable life, in a letter to Mr. Curran expressed indignation at the delay, which then had taken place in effecting the appointment of the office of Attorney General, as all others had been long settled. That letter Mr. Curran shewed to the Chancellor, but he received no explanation whatever. After a lapse of some weeks, Mr. Curran waited upon the Duke of Bedford, by his Grace's desire, and was then, to his utter astonishment, apprised, that he was to be Master of the Rolls, as soon as the necessary arrangements should have been made. Mr. Curran had never before seen the Duke of Bedford, consequently could not with propriety allude to any of the commanding features of that transaction, of which his Grace was to be presumed, as in reality he was, totally ignorant. Mr. Curran, therefore, respectfully retired, with an almost decided purpose, to decline the appointment. It certainly was a direct departure from the compact with Mr.

political system of Ireland. That *Veto* was put upon his appointment, precisely because he was the fittest, the only man in the existing circumstances, who could, and it was well known, that he would fill the office, according to the original spirit of patriotism, which had brought the party together. It is possible, that Mr. Grattan may have been collaterally touched by this clandestine *Veto*. If it existed, it was concealed from Mr. Curran, and privately assented to by those, who appear to have been called upon either to communicate it to the party affected by it, or to sacrifice their situations to the principle, upon which they had attained them.

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Ponsonby, and was unaccompanied by any symptom explanatory or sympathetic. The place itself was the last he could have wished for; it imposed upon him a change of all his habits of life. It excluded him from the gratification of any official share in the administration, which he then thought would have consisted principally, if not altogether, *of the tried friends of Ireland*. To him it was a descent, not an elevation. He was over-persuaded by friends to forego his intended refusal. At his next (that too was a casual) meeting with the Chancellor, he was asked, if he had seen the Duke of Bedford, with an official expression of hope, that every thing was to his satisfaction. Mr. Curran's reply was, that His Grace's reception was certainly courteous. Even then, not word of explanation from the Chancellor; except that Sir Michael Smyth should be treated with on the subject of his resignation. Thus was Mr. Curran thrown from the honorable certainty of a virtuous compact, to the precarious humiliation of a ministerial job. After many delays (perhaps unavoidable) the treaty took place, without the privity, and certainly not with the approbation of Mr. Curran. He was afterwards informed by the Chancellor, that the arrangement was complete: that Sir Michael Smyth would resign on the terms of receiving the retiring salary, and also upon a promise by the government, that his Deputy, Mr. Ridgeway should get a place of £600 a year, if any such place should become vacant before the 25th March then ensuing; until which time no

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addition could be made to the pension list; and if no such vacancy should occur before that time, he should then be placed on the pension establishment for £500 a year for life; and that a provision by pensions, to the amount altogether of £300 a year was also engaged to be made for three inferior officers of his Honor's court. Not a syllable escaped the Chancellor's lips, which could lead Mr. Curran to suppose he was treating for the purchase of a judicial office, at the price of £8000, (the value of those annuities) to be a charge on his private fortune. The mind cannot be tortured into an hypothesis, that the bare suggestion to Mr. Curran of such an indignity would not have been repelled with disgust and contempt.*

* Mr. Curran did not probably at that time consider, that the effect of Mr. Fox's devoting himself, as far as his declining health would allow, exclusively to the foreign department, left Lord Grenville at the head of that committee, which had been set on foot for managing the affairs and patronage of Ireland. That Mr. Grattan (unaccountably) had no share in that administration; that Lord Ponsonby, that excellent Irishman, was labouring under a serious disorder, and therefore either declined, or was not invited to take a part in it. That Mr. Curran himself had unexceptionably and powerfully both opposed and exposed the measures of the Marquis of Buckingham's administration, and those of every successive governor (except Lord Fitzwilliam) who, under Mr. Pitt's system had driven the country to its present situation. That in every part of that system, Lord Grenville had zealously co-operated, and in some (particularly in resisting Lord Moira's patriotic efforts to detect abuses and enormities) had even outstepped his colleagues. Lord Sidmouth was doubly pledged to keep on that system in Ireland.

Sir Michael Smyth at length resigned, and five

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What wonder then, that such a cabinet should intrigue to keep out of Parliament, to seclude from all political influence, to close the source of unrivalled and resistless eloquence, to secure from contact the man of political fidelity, who had ever been invariably true to the interests of his injured and oppressed country. It was well known, that nothing short of a *radical change of system* would satisfy Mr. Curran, and that the powerful exposition of that necessity from an officer of government was dreaded by the predominancy of the cabinet, which intended to keep the old system on foot. For effectuating that fatal purpose, all the tried obsequious tools of office, who had served under former administrations, were retained in their employments. A secretary was put over them, long trained to their tactics, and thoroughly impregnated with their spirit. Even the Lord High Chancellor was instructed or persuaded, that Ireland was not ripe for reform; that to introduce into office or to the magistracy men of unrelenting firmness in their opposition to the principles of the Irish government, would be to divide the state by convulsion; and to remove experienced servants without judicial conviction of guilt would be an act of high national injustice. When the impartial mind retraces the succession of circumstances, which combined to bring this business to a close, viz. The original compact; the opportunity of carrying it into effect; the assurance to Mr. Curran, that its specific accomplishment had been secured; the failure of that assurance; Mr. Ponsonby's political influence in Ireland; the unadvised change of appointment; the unexplained delays of five months; the intermediate reserve and diffidence of the Chancellor towards his fellow labourer in the popular cause; the change of men without a change of system; the Orangemen not put down; the Catholics not relieved; the Royal mind poisoned in an unconstitutional manner; Ireland robbed (no matter how plausibly) of the transcendant powers of her trusty advocate at the bar and in the senate; and mankind deprived of the invaluable treasure of Mr. Curran's flights of eloquence, so peculiar-

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Spirit and
conduct of
the Irish
Govern-
ment

months after Mr. G. Ponsonby had accepted the seals, Mr. Curran came into office*.

As it was not on this change of ministry the wish or intent of government to meet the rising affections of the Irish people, they thus artfully placed their friend and trusty advocate in an honorable elevation, from which he might view and contemplate, but could not interfere with the dis-

ly suited to lay the maddening rage of the present political storm; can it refuse assent to the overpowering inference, that Mr. Curran's forced elevation into silence and inaction, was craftily effected by those, who shrunk before his pre-excellence, dreaded competition, and trembled at his unconquerable determination to put down the system.

• In consequence of Mr. Curran's appointment to the situation of Master of the Rolls, the most numerous requisition ever known was signed and presented to Mr. Sherlock the father of the bar, for the purpose of convening a bar meeting, to take into consideration an address to his Honor on his late promotion. His talents were too transcendent, his spirit too independent, his principles too Irish, not to have enemies, who would openly oppose this just tribute to his splendid genius and unrivalled fame. The notice of the intended meeting had no sooner been published, than the prominent supporters of the system, set every engine to work to prevent, embarrass and defeat so critical an appeal to the virtue and independence of the Irish bar upon the brightest ornament of their profession, and the staunch and incorruptible friend of their country. On the 7th of July the meeting took place, consisting of 250 gentlemen of the bar, of whom 180 only chose to divide. Of these 146 voted for the address; 34 opposed it. The question was warmly debated for several hours. In opposition and defiance of the professional powers and political influence of Messrs. Saurin and Bushe, the spirited independence of the bar was honorably asserted, and the talent, integrity and virtue of the country triumphed over the jealousies, duplicity and intrigues of the system and its abettors.

position of their rights or interests. He was kept, after an absolute assurance of the place of Attorney General in the mysterious darkness of unavowed intrigue, secluded from official confidence, and as much estranged from the Castle, as if he were in his former opposition to the government. The conduct of the Bedford administration is not to be judged by subsequent events, but by the prospects then before them. Never was an administration less likely to be changed, especially in the first five months of its existence. When Mr. Curran was placed in his new situation, the public sympathized with his feelings in considering him greatly sunk by being excluded from all political confidence. The place of Master of the Rolls was as inferior to that of Attorney General in point of pecuniary emolument, as of political consequence; the professional and official income of the latter would have more than doubled the amount of the net returns of the former. Allowing then for the probable duration of that administration, Mr. Curran might have counted upon that increase of income and accession of political influence and power, till he should pass to the chief seat on the King's Bench; the natural progress and result of the compact. That obvious and specific performance of the compact would have gratified Mr. Curran, enabled him to render more service to his country, and answered the ardent wishes of his countrymen, who took a common interest in his promotion, as he had ever made common cause with them. Had the original com-

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pact been observed, no arrangement with Sir Michael Smyth could have taken place involving the interests of Mr. Curran. From the moment it was entered into, Mr. Curran acted up to the conditions, spirit and principles of it with punctilious fidelity. He had the merit of provoking and despising the personal malice of every man, who was the known enemy of the country. Without the walls of the courts of justice, his character was pursued by the most persevering slander, and within those walls, though he were too strong to be beaten down by any judicial malignity, it was not so with his clients. His consequent professional losses exceeded 30,000l.* Such were the claims,

* It is impossible to view this treatment of Mr. Curran in any other view, than that of the darkest malice and intrigue against the rights and welfare of Ireland. If the circumstances already detailed had not proved it, the winding up of the piece would have completed the demonstration. In order to prevent a recurrence to so ungracious a subject, this note will anticipate a reference to some circumstances, which strict chronological order will not justify. The intermediate time between July 1806, and Lady Day 1807, went over with little intercourse between the Chancellor and the Master of the Rolls; and no sort of explanation; the subject was uninviting to each party. Within very few days of the 25th March 1807, Mr. Elliott sent to Mr. Curran to find out the names of the persons belonging to Sir Michael Smyth, and forward them to him, that the business might be settled before the government should resign. Sir Michael Smyth happening to come to town on that very day, Mr. Curran apprized him of Mr. Elliott's message, and Sir Michael sent to the Secretary the names he desired. Vague reports reached his Honor, that the promised pensions had not been granted, though the government continued till the end of April 1807; that the Chancellor spoke of it with regret, as a circumstance vexatious

which Ireland had upon the Bedford administration to place Mr. Curran in a situation, in which his

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to Sir Michael Smyth, but without any allusion whatever to an expectancy, that they were to be made good by his successor. The Duke of Bedford personally interposed as little in this, as on any other act of government. It was a matter merely between Sir Michael Smyth and the Chancellor, or those, to whom his Lordship had referred it. Mr. Elliott's message shewed, that the settlement of it had devolved upon him, as Secretary. The first intimation to the Master of the Rolls of any expectation from, or call upon him, was some time after the change of ministers; when a friend of the Chancellor's in a private conversation, as it were accidentally, lamented the disappointment of Mr. Ridgeway, and the other subaltern officers of Sir Michael Smyth's court. His Honor expressed his ignorance of the cause of it; but received no information upon the subject. A second conversation (also apparently accidental) took place, in which it was thrown out as a casual suggestion of that friend's mind, not as an authorized overture from Mr. Ponsonby, whether his Honor did not think something ought to be done for them? Suffice it here to say, that Mr. Curran protested against any knowledge, or even surmise of a personal compact with his predecessor, which in any manner affected him or his appointment. If Mr. Ponsonby had without his knowledge or consent answered for him in any manner, he had treated him most unkindly by not apprizing him of the responsibility, which he had volunteered on his behalf. He felt no call upon him to assume a charge of 8000*l.* for having accepted a situation, which he considered as the reverse of an act of kindness, as a direct breach of an honorable compact, and as the purchase of an imputation on his character, by falsely admitting himself to have been a corrupt trafficker of a judicial office.

As no settlement had been made upon the displaced officers by the government, on the faith of which they had consented to resign on the before mentioned terms, they naturally applied to those, with whom they had treated, whilst in office. None of them applied to Mr. Curran, as no treaty with him had ever ex-

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splendid talents would display the towering genius of Ireland, his vigilance prevent her interests from

isted. Mr. Ponsonby gave a draft for 800*l.* to make up the first yearly payment of their stipulated annuities, without having made any communication upon the subject with Mr. Curran. The first intimation of that circumstance reached Mr. Curran's ears from reports of frequent conversations, in which the magnanimous generosity of Mr. Ponsonby was extolled, for paying out of his own pocket the price of Mr. Curran's promotion and life interest in the rolls. This occasioned Mr. Curran to write a letter to his friend Mr. Grattan, in which he made a full and candid statement of the whole transaction. Copies of it were cautiously confided to some of his friends. It is highly esteemed by those, who have seen it, for the national interest of its contents, the force of its reasoning, and the elegant simplicity of its composition. In that letter he entreated Mr. Grattan to communicate with Mr. G. Ponsonby, and learn from him, if he conceived himself to have any claim in justice or in honour upon Mr. Curran; hoping that if he had, Mr. Ponsonby would have the kindness to state the grounds of it specifically and distinctly; and, if Mr. Curran's judgment acquiesced in the claim, he would comply with it instantly. If not, he would concur in referring it to Mr. Grattan, Lord Moira, Lord Grey, Lord Erskine, Lord Holland, or Lord Ponsonby, or any other common friend, or friends, that might be appointed. He wished them to decide upon the most liberal principles of justice and of honor, what ought to be done under all the circumstances of the case. Whatever that decision should be, he would perform most promptly. In doing so, he should have the satisfaction of acting rightly, and be relieved from the painful apprehension of being thought by any man capable of acting otherwise.

Lord Moira, Lord Holland, and Mr. Grattan, were named as referees by Mr. Ponsonby, and acceded to by Mr. Curran. Mr. Ponsonby and Mr. Curran appointed each a confidential friend to lay their respective cases before the referees; and after repeated urgency upon the part of Mr. Curran to have Mr. Ponsonby's statement submitted to them, Mr. Ponsonby finally declined.

being betrayed, and his tried fidelity secure her a most powerful and incorruptible advocate in the Imperial Parliament.

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Scarcely had the new ministers entered upon their functions, than in those parts of the country, where Orangeism more particularly prevailed, despondency became general, that their fond hope of redress would be frustrated. Those even of the slightest reflection readily distinguished between the slow and complicated movement of the legislative body, on which the great question of emancipation depended, and the quick and unincumbered action of the executive, on which alone rested the removal of the personal grievances they suffered from the corrupt oppression of the magistracy. The case of burnt out O'Neile the latter has been before mentioned, and shortly commented upon*. That and several more atrocious acts of barbarity and injustice committed by Orangemen on the Catholic inhabitants of Tyrone and that neighbourhood, gave rise to a correspondence between Mr. Wilson the Tyrone magistrate, and the managers of the Irish government, which has brought to light truths awfully affecting the existing state of Ireland. Mr. Wilson is a gentleman of landed property in his native county of Tyrone: and he informs us†, that in the year 1802, he had had frequent conversations with Mr. Windham upon the subject of the Catholic claims, per-

Mr. Wilson
the Tyrone
magistrate.

* Vide Introd. p. 48. & 51.

† Introd. to his correspondence with Mr. Elliott and Mr. Ponsonby.

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secutions, &c. : and that in his last visit to England, he had repeatedly conversed with Lord Eldon (the Chancellor) upon the same subjects, who had expressed his wish, that he should upon his return to Ireland communicate his sentiments fully and freely to his Lordship upon the state of that county ; with which desire Mr. Wilson had complied : but what the noble Lord thought of his communications he had still to learn. Soon after he had settled in Ireland, fifteen hundred young Roman Catholic inhabitants of his parish, offered through him their services to government to be employed in any part of Europe, provided Mr. Wilson were placed at their head. Their address he conveyed to Mr. Wickham. The answer that gentleman wished Mr. Wilson to return to the addressers was, in his own words, “ that government “ had already received from other bodies of the “ Roman Catholics many similar offers, but that, “ as no decision had yet been made upon these “ previous ones, it could not accept of this present one, and therefore could only thank the “ Roman Catholic inhabitants of Clanfeele for “ their loyal offers of service, &c.”

Continu-
ance of Mr.
Wilson's
communications with
government.

Some time after Mr. Wickham had been replaced by Sir Evan Nepean, with whom Mr. Wilson was well acquainted, he related to him a most outrageous assault on a Roman Catholic by an Orangeman, and a public rescue of the offender in defiance of all his endeavours to punish him, by armed Orangemen. When he had related that business, and many other acts of like tyranny within

his own knowledge exercised by the Orangemen over the Roman Catholics, Sir Evan Nepean appeared astonished, and declared his determination, that nothing on his part should be left untried to bring the villains to punishment. He desired Mr. Wilson on his return to the country, to transmit to him the necessary documents, with the depositions of the constables, &c. &c. in order, that he might be enabled to carry into execution their joint wishes. Mr. Wilson complied; and although he wrote to Mr. Secretary three official, and as many private letters from that day up to the 12th of December 1806, he had never heard one syllable from him upon the subject; nor was ever a single step taken to punish the aggressor or his rescuers. Such was the result of this magistrate's application to Lord Hardwicke's government to redress grievances, to check oppression, and punish crimes.

The case of O'Neil, which gave rise to Mr. Wilson's correspondence with the Bedford administration, was made known to him by the following letter from his parish priest, which but too truly sets forth the lamentable effects of governments' countenancing the Orange ascendancy in Ulster, as well as in other parts of the country.

Case of
O'Neil.

To Richard Wilson, Esq. Owna Lodge.

Dungannon, April 11, 1806.

"Dear Sir,

"Constantine O'Neil, the bearer, is an honest industrious man, that has often suffered great in-

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jury, but has been totally ruined within this week past. It was therefore useless for him to make application for redress; for government was considered as encouraging these proceedings for political purposes, which was evidently the case. But from the great providential change, that has happened lately, and from the consideration, that no wise policy can direct the adoption or encouragement of such a measure at present, I now begin to think, that the men, who have been ruining this country by fire and sword *these ten years past*, would now experience a check. This poor man is a hatter by trade, and lived by his honest earnings, and was every way independent; for he was out of debt, and had saved some money. But on last Saturday night, which was the meeting night of an Orange Lodge, this banditti, who are generally yeomen, and armed, came to his house, when he and his family were in bed, and setting fire to the house, which was a thatched cabin, burned it and all his property to ashes, except what was carried upon their backs; they fired several times at himself and wife, who both providentially escaped with their lives, which are all, that now remain to them; for their wearing apparel was also destroyed.

“ I request you will be so obliging and charitable, as to give him instructions how to be redressed. The magistrates, I know, ought to be applied to in the first instance; but this measure will be unavailing; for the magistrates abetted these proceedings from the beginning, and this man

lives in the county of Armagh, and accordingly not within the limits of your jurisdiction as a magistrate; hence your charitable advice is all that is wanting, which I am convinced you will not refuse to give. His situation in life is too humble for his address to government to be attended to with effect, when the men, against whom his charges would be directed, are of some importance as having authority, *and there is no good to be expected from any magistrate except yourself in such a case as this.* I have the honor to be with sentiments of esteem and respect,

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Dear Sir,

Your most obedient Servant,

HENRY CONWELL."

Mr. Wilson learning, that O'Neil was the bearer of this letter, questioned him minutely, as to the particulars of the outrage committed against him. His detail induced Mr. Wilson to lend his assistance towards prevailing upon some Armagh magistrate to take his examination. O'Neil had assured him, that he durst not apply to any of the Armagh magistracy, lest his application might come to the ears of the yeomen and Orangemen, which would be attended with the certain loss of his life. He added, that, he was persuaded, there was not any Armagh magistrate, who would take his deposition. Mr. Wilson appointed O'Neil to meet him in Armagh upon a given day; when the first magistrate, to whom Mr. Wilson applied to

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take his informations, though he lived near to O'Neil's late residence, and though ten days had elapsed since the burning of the house, yet he declared himself totally ignorant of the matter, and declined acting in it. He however advised O'Neil, as the most efficacious mode of proceeding, to apply at once to the assistant barrister, who was then holding the sessions, as he was assured he would take instantaneous means to lay hold of the incendiaries; but before the poor man could get the deposition written out, the barrister had left the court. Mr. Wilson spoke to a resident magistrate in Armagh, to take O'Neil's examinations; and when O'Neil went to him for that purpose, he was turned out of doors, and threatened to be kicked: that magistrate declaring, he could not take examinations against his particular friends, the Messrs. Verner. Mr. Wilson having failed in his endeavours to procure O'Neil's complaints attended to in the regular course of justice, complied with his request to transmit his memorial to government, and enclosed it in a letter to Mr. Secretary Elliott, dated on the 30th of April 1806; in which amongst other strong truths, he said: "I have taken great pains to satisfy myself as to the truth of what is stated in the enclosed papers, and from a thorough enquiry into the character of the unfortunate subject of them, I learn, that his only crime is that of being a Roman Catholic: a crime which, in the minds of certain men, makes him undeserving of the protection of the laws. It is with great concern I feel myself warranted to declare, that where

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an Orangeman and a Roman Catholic are concerned, a most disgraceful partiality in favour of the former governs the proceedings of nine in ten of the magistrates in the part of the kingdom I reside in. And I cannot conclude this letter, without broadly and distinctly declaring, that, if the system with respect to the Roman Catholics be not materially altered, and that if the Irish gentlemen (the magistrates particularly) do not adopt a very conciliatory conduct towards them, there cannot exist a hope of cordially attaching them to the government; and sure I am, if they were properly and humanely treated, their hands and hearts would unite to support British independence." He added, that if his Grace should think, that a personal conversation to explain what could not be thoroughly done by letter, would forward his benevolent and patriotic objects in this kingdom, he would instantly obey his Grace's commands by repairing to Dublin.

To this letter he received the following answer:

Richard Wilson, Esq. Owna Lodge.

Mr. Elliott's
letter to Mr.
Wilson.

Dublin Castle, May 5, 1806.

" Sir,

" I did not fail to take the earliest opportunity of laying before the Lord Lieutenant your letter of the 30th of April, together with its enclosures, and I have received his Grace's commands to inform you, that his Grace has instructed Mr. Ser-

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jeant Moore, one of the law officers of the crown, to repair without delay to the county of Armagh, for the purpose of investigating fully the circumstances stated in O'Neil's deposition, and to make a special report upon the subject for his Grace's information.

"I cannot conclude without making my acknowledgments for your communication, and I flatter myself, that the arrangement, which his Grace has adopted, will save you the trouble of a journey to Dublin.

I have the honor to be, &c. &c.

WILLIAM ELLIOT."

Commission
to investi-
gate
O'Neil's
case.

Within some few days after the receipt of this letter, Mr. Serjeant Moore, accompanied by Mr. Hamilton, Solicitor for the Crown, arrived at Owna Lodge, declaring, that he had the commands of the Lord Lieutenant, fully to investigate the whole of the subjects contained in the letter to Mr. Elliott. After much conversation, they both assured Mr. Wilson, that incorrect as he had stated the conduct of those magistrates to be, yet the conduct of the magistrates was infinitely worse in almost every other part of the kingdom. Soon after, Mr. Serjeant Moore in the prosecution of his commission, proceeded to Armagh, and thence went into the neighbourhood, where the offences had been committed. On his arrival, he sent for the elder Mr. Verner, saying, that he conceived this, in delicacy, was due to him. To him he thought fit to intimate, that, as he did not know how to

get at the evidences he wished to examine, he hoped Mr. Verner would put him in the way of coming at the truth. Immediately Mr. Verner expressed his readiness to send his sons, (the two persons stated by O'Neil as heading the incendiaries) to bring forward the people, whom O'Neil pointed out as able to corroborate his deposition. The evidences were brought forward by the young Messrs. Verner; but he could not get any thing out of them, (after the most strict examination), which could tend towards the crimination of these gentlemen. The house certainly was burned; but the incendiaries could not be identified. It was true, the two young Messrs. Verner were there, but only as spectators, after the house was destroyed; but nothing appeared to justify an opinion, that either of those gentlemen was concerned in the outrage.

Mr. Wilson made some observations upon this singular mode of probing to the bottom such flagitious transactions; to consult with the father of the supposed offenders, and employ the offenders to collect evidence to bring themselves to the gallows; adding, that if he left the country with this sort of investigation, it would have been much better, if government had not paid any attention to his communications. This opinion was more pointedly expressed by Dr. Conwell. Mr. Serjeant Moore appeared highly irritated at the reflection; and asked Dr. Conwell, did he want him to thrust the two Messrs. Verner into goal? If he did, he certainly was mistaken, but, *that* he sup-

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Difference
between
Mr. Ser-
jeant
Moore and
Mr. Wilson.

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posed was the only thing, which could satisfy him. To this Dr. Conwell replied, that he by no means wished for any thing, but such an investigation, as might be the means of permitting his poor people (his parishioners) to live in peace; that it was well known, that the inhabitants in Mr. Verner's neighbourhood stood in such dread of that gentleman and his yeomen, and his Orangemen, that they would not dare to state any thing, which could affect him or his party. During the three first days after his arrival, Mr. Serjeant Moore communicated freely with Mr. Wilson, and expressed a wish and determination to get at the bottom of the flagitious affair, and bring every one concerned in it to condign punishment. After his interview with Mr. Verner, his conduct towards Mr. Wilson became altered; he was cold, distant and reserved. Although Mr. Wilson had been present at the first examination of O'Neil and his wife and others, he was not suffered to attend any of those examinations, that were taken after the Verners had been with the Serjeant. Mr. Wilson wrote to Mr. Elliott on the 12th of May to inform him, that Mr. Serjeant Moore had taken unwearying pains to get at the bottom of the business, and that their sentiments had been in perfect unison on all points, with only one exception, as to the mode of getting at some of the evidence.

Mr. Wilson
summoned
to Dublin.

Some days after the receipt of that letter, Mr. Elliott sent for Mr. Wilson to Dublin. At his first interview with Mr. Elliott, he was introduced to the Chancellor, and having been desired to make

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his statement, he began with expressing his regret at the unfortunate difference of opinion, which latterly subsisted between Mr. Serjeant Moore and him, and which subsequent consideration and enquiry had not at all removed. He was stopped short by the learned Lord, who earnestly declared, that, Mr. Serjeant Moore's conduct, in his journey to the North, *had met with the most unqualified approbation of government.* This anticipating declaration, convinced Mr. Wilson, that government's attending to his communications was to amuse, not to investigate. He however remarked, that it was a very novel mode of investigating a most flagitious crime, by applying to the parties accused to collect evidences to convict themselves. To this the Chancellor replied with increased energy, *that Mr. Serjeant Moore's conduct entitled him to, and possessed the warmest approbation of government.* Mr. Wilson made some observations on the state of the magistracy in his part of the country, and the Chancellor asked, how he proposed to remedy the evil? Mr. Wilson replied, that the only effectual mode would be, by issuing a general new commission. This would not give any partial offence; and care afterwards should be taken not to admit any improper persons into it. His Lordship replied by a smile. This ended his personal communications with government. He afterwards found himself under the necessity of continuing his written correspondence; the ultimate result of which lamentably proves the unwillingness of government to listen to, and their reluctance to

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correct any abuses, that can be brought home to the Orange predominancy. His perseverance grievously annoyed the new government.

Mr. Wilson
writes to
Mr. Elliott.

On the 12th of July he wrote to Mr. Elliott a letter, in which he thus questioned the Secretary, as to the results of the commission, which strongly affected the interests of a great body of the people.

“ Have O’Neil’s injuries been any way redressed ?
 “ Has he even received a compensation for the
 “ ruin of his property and his personal injuries ?
 “ Have the aggressors (be they who they may)
 “ been put in the way of punishment ? Has a
 “ single step been taken to prevent future aggres-
 “ sions against this harassed, this ruined man ?
 “ Has a symptom of amelioration, a prospect of
 “ protection (since Mr. Serjeant Moore’s visit)
 “ been felt or held out to the persecuted Catho-
 “ lics, save what my confined and unsupported
 “ power afforded them ? I am grieved to say, I
 “ fear I myself can reply to all these questions in
 “ an afflicting negative.” In that letter he ap-
 plied to Mr. Elliott for a commission for the
 county of Armagh, as well as for Tyrone, in or-
 der, as he stated, to strengthen his efforts in tran-
 quillizing the country, and give effect to the laws,
 as he was separated from it (Armagh) only by a
 river, which runs through his grounds ; its conti-
 guity enabled offenders to escape or collect a party,
 which set him at defiance, before he could get an
 Armagh magistrate to back his warrants ; the
 nearest being five miles distant from his place.
 This letter was followed up by a second within a

fortnight, occasioned by a grievous assault of a body of about 500 Orangemen on the person of Mr. Wilson, who almost murdered him, on their return from a public rejoicing given by Mr. Verner on the acquittal of his two sons.

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On the 20th July 1806, Mr. Wilson, who had been referred by Mr. Elliott to the Chancellor instead of him, for a commission of the peace for the county of Armagh, apprized his Lordship by letter, that since the disgraceful outrage committed against him on the 12th instant, a second attempt had been made upon him on the preceding evening; but the darkness of the night, and the assassins having had reason to believe, that he had already escaped them, united to save him. Several of them, as well as the Orange outragers of the 12th were known. For his own part, he should not move; but if government were disposed to take up the business in the grave and solemn manner its importance in a national point of view, so imperiously demanded, he was ready to afford all the aid in his power to give effect to its exertions; he was however to hope, that if government entered into an investigation, it would be carried on by persons possessed of vigour, perspicuity, and independence of mind. Five weeks had elapsed since Mr. Elliott replied to Mr. Wilson's information, lamenting that disorderly and tumultuous transaction, and expressing his intention of laying it before the Lord Lieutenant.

Mr. Wilson
writes to
Mr. Pon-
sonby.

Mr. Wilson in consequence, wrote one more letter to the Secretary, which referred to several

Mr. Wilson
writes again
to Mr. El-
liott.

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documents of abuses and atrocities committed by Orangemen on the unfortunate Catholics in his neighbourhood, which he had transmitted to government, but which had remained unnoticed. He thus strongly expressed himself (for the last time) to the Secretary. " I have much important matter, independent of what relates to myself, that ought to be submitted to grave and deliberate consideration. When I perceive government disposed to afford that to my communications, I will cheerfully, but personally, detail them. In the mean time, I am to observe, that I am prepared to prove, that the laws (as I in my first letter to you, intimated) are most partially and carelessly (I wish to speak mildly) administered with regard to the Roman Catholics; that I have instances, within these few days, of robbers, assassins, forgers of bank notes, and public disturbers being protected; and their prosecutors frightened from following up their complaints; also of examinations being either secreted by those, who ought to have brought them forward, or withheld from the clerk of the crown; or, if given to him, his being prevailed upon not to frame bills of indictment upon them. All this, Sir, I am prepared to prove, and call upon government to put me to the proof." In his letter to the Chancellor, he had hinted, that there was an idea rather too prevalent with a great part of the public, that, government was either unable or unwilling to protect the oppressed. The subject of Mr. Wilson's letters to Mr. Elliott, and the Chancellor,

turned evidently upon important (perhaps not gracious) matter. It is however worthy of observation, that his letter to the Chancellor, which bears date the 20th of July, remained unanswered nearly two months, which (including October) are notoriously the months of the most leisure to the Chancellor throughout the year. His Lordship however at last condescended to give him the following answer.

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“ Richard Wilson, Esq. Owana Lodge.

The Chancellor's letter to Mr. Wilson.

“ *Ely Place, Sept. 6, 1806.*

“ Sir,

“ I am very sorry, that a pressure of business, which could not be postponed, has prevented me from sending an earlier answer to the letter you did me the honour of writing to me in July last. That any attempts should be made at assassination must be a subject of the deepest regret; and will, I am sure, excite in the government the most anxious desire to detect and punish those, who are guilty of them, and I hope, that no description of his Majesty's subjects in Ireland will ever have reason to consider those, to whom he may be pleased to delegate his authority, as either unable or unwilling to protect them. With respect to the administration of the Duke of Bedford, I can most confidently affirm, that there never was and never will be in this country one more sincerely disposed to protect with vigour and impartiality all its inhabitants; and that whoever shall violate the laws,

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will find his Grace both willing and able to vindicate their authority.

“The application, which you have been pleased to make for a commission of the peace for the county of Armagh not having been seconded by the recommendation of the governor, or either of the members for that county, or of any resident privy counsellor, I am under the necessity of forbearing to comply with it.

“I have the honor to be, &c. &c.

“GEORGE PONSONBY, C.”

Mr. Wilson
is refused a
commission
for Armagh.

This answer of the Chancellor was a dignified insult to Mr. Wilson. His actual commission for Tyrone superseded any call for a recommendation of his fitness to be a magistrate for an adjoining county within some few yards. There was then no resident privy counsellor in the county of Armagh. The governor resided in England, and the members were absent on their military duty. The application was however made through a privy counsellor, the secretary to the Lord Lieutenant*.

* In order to place the whole conduct and treatment of Mr. Wilson under the reader's eye at one view, we shall anticipate some facts, which will enable him to read most distinctly the identity of spirit, principle and action in the three successive administrations (Hardwicke, Bedford, and Richmond,) under which he acted as a country magistrate. The notoriety of Mr. Ponsonby's refusal to arm Mr. Wilson with a commission for Armagh occasioned more outrages from the Orangemen, than had before disgraced that neighbourhood. The facility of escape from Tyrone into Armagh, where they were sure of impunity and pro-

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This refusal of the Lord Chancellor to extend Mr. Wilson's commission of the peace to the county of

tection, multiplied and emboldened offenders. Soon after the change of ministry, that is, on the 19th of May 1807, Mr. Wilson in consequence of several fresh atrocities having been committed on the Roman Catholics of his district, wrote to the new Chancellor Lord Manners, "to point out the necessity of a strict enquiry into the abuses and evasions of justice, which existed in that quarter of the kingdom (and he also feared in every other part of it.)" He enclosed authenticated statements of the particular enormities, which remained unpunished and countenanced. On the 2d of July, Mr. Lockwood the Chancellor's Secretary, answered the letter by returning the papers, which, he said, *did not call upon his Lordship in his official situation as Chancellor to give any directions about*, and that the Chancellor *desired to be relieved from any further correspondence on the subject*. On the next day, (3d July 1807) Mr. Wilson was formally put out of the commission of the peace for the county of Tyrone by a regular writ of *supersedeas*. As to the continuance and progress of the system in Tyrone, Mr. Wilson's letter, published in the Evening Herald, so lately as on the 11th of January 1811, will speak with more authentic point, than any collection of intermediate facts, however numerous and atrocious.

" TO THE EDITOR OF THE EVENING HERALD.

" SIR,

" The spirit of impartiality and patriotism, which appeared to govern your paper, induced me, formerly, to give it the preference of such publications as the infatuated policy of government compelled me to bring forward. The same *opinion*, and the same *cause*, occasion the renewal of my correspondence; yet, I confess, I do so with some little hesitation, having observed, that for more than three years, the wretched state of this part of the kingdom has scarcely ever been the subject of your notice, although it appears to me next to impossible, that the various acts of atrocity, which are almost daily committed in it, should not

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Armagh, which was within a stone's throw of his residence, and in the heart of a district of abuse

have reached your ears. Be that, however, as it may, I shall endeavour so far to interest you, (by way of advertisement for a more lengthened and distinct detail, which I intend to publish, as soon as the unhappy situation I am placed in, will permit me to commit it to the press) by observing, that the district, in which I reside is now become literally *a scene of blood and devastation* ! That the most barbarous and unprovoked murders ("unprovoked," except by the victims being Roman Catholics) are perpetrated, *without distinction of sex*, or consideration for youth, beauty, or innocence ! That so far from Orangism declining amongst us, it is, if we may judge by its fruits, hourly gaining strength in cruelty and audacity ; insomuch as nearly to bring a blush upon the cheeks of some of its less bigotted supporters ! With regard to myself, life excepted, *it has left me nothing* ! and *that* has hitherto been prevented, only through a generally received opinion, that *I will sell it dearly* ! I have been thrice attempted to be assassinated within these last eighteen months ; once, indeed, nearly murdered ; for which two of the assassins were punished by an imprisonment of three months ; for which punishment I am to acknowledge myself indebted to the interference of Lord Northland, and his agent, Mr. Armstrong ; as, *from former experience*, I have good reason to believe, that the delinquents would not have even been put in the way of trial ! They are now, however, again let loose upon me, and since their liberation, are continually, one way or the other, persecuting and plundering me ! Public subscriptions were opened by the Benburb Orangemen, for the purpose of defeating my claim to a small compensation, which the Grand Jury voted me, "on account of the burning to the ground a range of ninety feet of fine offices, (the lofts filled with hay) in the course of the summer of 1809." In justice to six or seven of these men, (who, I understand, *are not Orangemen*) I must observe, that they refused to give the sanction of their names, saying, that "they would rather subscribe to obtain me a compensation, than to deprive me of one, knowing, *as they did*, how basely I had been used and

and outrage, speaks no very ardent desire in Mr. Ponsonby to revise the magistracy, or correct their

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plundered." Not wishing to make an ungrateful omission, I forbear mentioning the names of such of these men as I just now recollect; but when I learn the whole, I will take care, that the public shall be acquainted with them. In the name of one of the greatest of villains, a traverse was brought forward and supported by three others of the gang; (one of whom generally believed to be the incendiary) but though the jury was perfectly well disposed in their favour, yet such was the inerrability of the evidence, it was obliged to give a verdict in my favour, but only for a fourth part of what the Grand Jury had previously allotted me, and not sufficient to pay the expences of the presentment; and not two hundredth part of my actual losses since I resided in Owana Lodge! The opinion of the justly eminent person, who presided as Judge, was pretty clearly *seen*, not only with regard to the verdict, but also, with respect to the conduct of a certain officer, in the business of the traverse. All this, at the proper moment, I will lay before the public; but for reasons of prudence and delicacy, I must just now decline farther allusion to that officer, as I mean, *as soon as I am enabled*, to produce him before a legal tribunal, *for other acts of atrocity towards me*. Within these two years, three of my best farm-houses have been burned to the ground, and two more racked to pieces, with the farms laid waste. My own house has been repeatedly attacked, and is, at this moment, nearly in a state of ruin; several acres of plantations have been *thrice* destroyed; and, of course, as often renewed; all the timber upon my little estate, cut down and carried off; a fine young orchard also, cut down; my gates and fences stolen or broken down; my demesne made a common of by the set of villains, who surround me; my servants beaten and insulted, whenever they venture abroad upon my business; people, who were to work for, or otherwise serve me, threatened if they would enter into my employment; I myself repeatedly dragged to goal, not for debts of my own, but, *once* for another man's, and *twice* by people who, so far from owing them any thing, were considerably indebted to me! a conspiracy of *some*

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abuses : however strongly this had been promised by the new ministers, and was sanguinely expected at their hands by the sufferers under magistral oppression.

Consequences of that refusal.

For the better developing the system of governing Ireland, it has been necessary to retail the conduct of those men towards Mr. Wilson, who were possessed of the means (had the will accompanied

of my own tenants, stimulated by two villains of attorneys. As to the truth of almost the whole of these calamities, I can produce the evidence of the two highest personages in the kingdom ; and also, for my unwillingness to bring my case before the public. Their reasons for obliging me to do so, they may possibly, one time or other, be called upon to explain.

“ I have already obtruded too much upon your paper, and therefore will hasten to a conclusion ; but I must first desire leave to ask, if there can *now* be any reason to doubt of the motives for removing me from the magistracy ? Were they not founded upon my administering justice with *impartiality, rigour, and incorruptibility*, with regard to the Orangemen, and for endeavouring to protect the wretched and oppressed Roman Catholics from their barbarities ? Let my ***** answer this, if *he can*, and account, satisfactorily, for refusing my repeated entreaties “ for a knowledge of the ground *of my removal.*” And here, Sir, I would suggest a question for the discussion and deliberation of his Majesty’s Council and Parliament, (it must not be presumed to be agitated elsewhere) “ When the people find their appeals to justice disregarded by their rulers, is there not more than a probability, that they will appeal to *each other*, and may not this dernier one, be attended with consequences *rather hazardous ?*”

“ As one of the people, I take leave to express my gratitude for your exertions in behalf of oppressed Ireland.

“ R. WILSON.”

Owena Lodge.

them) of purging the subordinate magistracy of the practical intolerance, bigotry, and corruption, which necessarily set the harassed and aggrieved peasantry against the law and the government of their country. Whatever time a general revision of the magistracy, and a reform of its abuses may have required, had government sincerely taken the Herculean task in hand, could not justify the inversion of every principle of revision and reform in the particular instance of the Tyrone magistrate. The broad historical fact is, that for many months after the accession of the new administration, the magistracy remained in the same state, in which it had existed during the several preceding administrations. It was impossible therefore, that the oppressed and afflicted peasant should expect mercy and justice from the hand of his oppressor and torturer: and such had he too long found the Orange magistrate. Immediately through him had the atrocity of the system been inflicted upon the mass of the population; from him did they take their ideas of the executive government of the country; for the country magistrate was the only man armed with civil authority, with whom they ever came into immediate contact. In proportion, as the leading Catholics attempted to reconcile the feelings of the body to the suspension of the great question of their emancipation during the first session of Parliament, so earnest were they in assuring them of the sincerity of their friends in power to put every thing in immediate preparation for bringing it forward in the proper season with ef-

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Feelings of
the Catho-
lies on the
new admi-
nistration.

fect, and in the mean time to realize their fondest expectations of being redressed in every grievance short of the application of that grand *panacea*.

As long as the persuasion could be kept alive, that the Irish government was actuated by the spirit, and directed by the councils of Mr. Fox, so long, and no longer, did the mass of the Catholic body look to redress with some degree of confidence. The circulation, rather than the publication of the contents of Mr. Fox's letter to Mr. Ryan, helped to keep alive that impression longer, than it otherwise would have lasted, from any judgment, that could be reasonably formed from the conduct of the new administration in Ireland. Something however was to be attempted, in order to keep up a delusive appearance, that the Bedford administration moved upon the pivot of Mr. Fox's principles. During the whole Summer, the health of that liberal and enlightened Statesman, the value of whose life to the British Empire and to mankind was unknown* and incalculable, declined so rapidly, that he was unable to attend with his usual energy to the pending negotiations with France. To prevent the despondency, which his inability to advise and direct, would have naturally diffused through the thinking part of the community, the real state of his expiring powers was suppressed from the public knowledge, till deception could no longer answer its own views. He was never, in

* If ever the words of the poet could be fairly applied to a statesman, Mr. Fox was that man, *Virtutem incolumem odimus; Sublatam ex oculis, querimus invidi.*

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fact, apprized of the checking and irreforming conduct of those, to whom by his own consent the management of Ireland had been delegated, which to the nation at large appeared rather calculated to reintegrate the oligarchy, which Lord Townsend had destroyed, than to put down the multifarious influence of the Castle, which had sprung out of its ashes, and had become the corrupt engine of establishing the system of Mr. Pitt.

The ears of the Chancellor were daily assailed with reports of the disappointment and dissatisfaction, which every where prevailed at the continuance of the old magistracy; not one of whom had been superseded, although Mr. Ponsonby had received the Great Seal for several months, and had taken no steps towards forwarding the reform of the magistracy, which depended solely upon his own will and pleasure: yet *the revision of the magistracy* had been always considered as the test of sincerity and good will, in the new ministers, to the Catholic cause, and the welfare of Ireland; it had been prominently displayed, frequently reiterated and explicitly promised by Mr. Fox, in his letter to Mr. Ryan. The northern abuses had been brought to an open contest between Mr. Wilson, the Protestant magistrate of the county of Tyrone, on behalf of the Catholics, on one side, and the combined forces of the Chancellor, Mr. Secretary Elliott, Mr. Commissioner Serjeant Moore, Messrs. Verner, and their numerous aux-

Mr. Ponsonby sets about reforming the magistracy.

1806.

ilarities, on behalf of the Orangemen on the other, of which the final issue has been already detailed.

Wexford
and Carlow
magistrates.

The Wexford magistracy had been for several years prominently oppressive and obnoxious to the people: and with these Mr. Ponsonby commenced his *revision and reform*. He advised with a Catholic gentleman of respectability and confidence,* who was a native of, and well knew the interests and feelings of that county. He asked him *what would please the Catholics?* The answer was *breaking some magistrates and making others*. At the desire of the Chancellor, he then mentioned some Catholic gentlemen of that county, whom he considered eminently qualified to be put into the commission of the peace, and his Lordship wrote down the names of nine persons, to six of whom,†

* Edward Hay, Esq. Secretary to the Catholics of Ireland.

† Amongst these were John Breen, of Tagmon, Esq. and Philip Hay, of New Ross, Esq. Some months after their appointments, these two gentlemen were formally superseded; not from inability or any neglect of duty or abuse of office; but Mr. Hay was superseded, because he had neglected to qualify within two months after his appointment; which might have been just and proper, had not several other magistrates, who were guilty of the same neglect been permitted to retain their commissions. Mr. Breen was superseded, because it was alleged, he had had the rope round his neck in 1798. The Earl of Kingston had, in the House of Peers, unwarrantably aspersed this gentlemen's character, as being, on account of his disloyalty, most unfit for the office of a magistrate. In the year 1798, Mr. Breen had been compelled, whilst in the hands of the rebels, to act as a commissioner for them, under the menace of immediate death, if he refused. He was afterwards tried by a

in about six weeks from that time, he granted commissions : and about the same period fourteen

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court martial, and most honourably acquitted. Lord Kingston himself, when a prisoner, offered to lead the rebel army, during their ascendancy at Wexford, and upon his trial by court martial, he was in like manner acquitted. The offer of the Noble Earl to lead the rebel army was less compulsory, than the compliance of Mr. Breen to act as a commissioner. The superseding of Mr. Breen, after having been recently put into the commission, was that act of Mr. Ponsonby, which, in the task of reforming the magistracy, caused the strongest sensation in the country. Mr. Breen was supereminently qualified from his loyalty, information and influence in the county, to act as a magistrate ; for that very reason was he reviled and traduced by the Orangemen, who always found access to the ear of the new Chancellor. We subjoin the letter of Major Fitzgerald to Mr. Hay, relating to his case, in order to meet the charges of Mr. Breen's enemies, which operated most unjustly to the prejudice of the Catholics of Wexford, by the disgraceful removal of that gentleman from the magistracy upon such unjust grounds.

“ August 6th, 1807.

“ MY DEAR SIR,

“ I received your note this moment, and feel much pleasure in giving you information respecting Mr. Breen, and highly approve of your attention to protect this respectable gentleman from the obloquy, that is so unjustly and unmeritedly pointed at his character. While I was acting as Brigade Major to Major General Hunter, in the county of Wexford, Mr. Breen and Mr. Cullimore were charged by a committee, who were, in fact, appointed by government, as fit persons to anticipate vexatious prosecutions and charges ; but who were decidedly a set of men, who acted in the contrary way, became violent sanguinary accusers, and were more calculated to inflame and disturb the peace of the county, than fulfil the duties they were intended for. By those accusers, those respectable gentlemen above mentioned were conducted before a court martial highly respect-

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of the most obnoxious and unpopular of the former magistrates of that county were superseded. Complaints had also been made of the Carlow magistracy seven of whom were superseded. Little or rather no salutary effect was produced by this revision or change, on account of a general conviction, which prevailed throughout the county, (whether well or ill founded) that the changes were rendered subservient to electioneering purposes. Mr. Burton, who was then canvassing the

able, and appointed by general Hunter, and prosecuted for acting as commissioners to the Wexford rebels. After a long and patient hearing of the charges brought against the prisoners, the court declared the facts, as they were universally known : That these gentlemen acted under the imperious hand of *compulsion*, in preference to the alternative *death*. So impressed was the general with the patience of the proceedings of the Court, that they instantly discharged the prisoners ; having first paid them many complimentary assurances of his sincere opinion of their loyalty, and at the same time adding observations, that served as a proof of his disapprobation of such shameful abuse of the power confided to those factious accusers. I need not tell you, that the source of real information to government was perverted and lost ; and General Hunter, by his judicious consistency, had ensured the affections of the people to himself, and indubitably retained the source of information. So convinced was he of the purity of Mr. Breen's conduct, that many explanations had been made to him for the arrest of those men : but to no purpose, until effected by the committee. I shall at all times be happy to furnish you with any fact in my records when wanting for a fair and honorable purpose.

" I am, &c.

" (Signed) BARON EDWARD FITZGERALD."

" Edward Hay, Esq.

&c. &c."

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county of Carlow, was a near relative of Mr. Ponsonby ; and it was given out, and very generally believed, that such of the magistrates as voted for Mr. Burton were restored, and that several of the most objectionable of them retained their commissions, upon no other claim of merit, than that of having voted for Mr. Burton. Whether the imputation were founded or unfounded, it equally prevented the effects intended by the revision of the magistracy, which were to tranquillize the ruffled minds of the people, now necessarily irritated at the disappointment in not attaining what they had recollected, Lord Grenville had advised them *to petition for year after year, until their prayer should be granted*. Mr. Ponsonby went no further in the promised revision of the magistracy. Nor did he, during the whole time he held the great seal of Ireland, to which the patronage of the country was appendant, in a single instance provoke the hostility of the Orange faction, by inflicting upon any one of the body, whether public or private, however atrocious or notorious his outrages against the Catholics had been, any mark even of the disapprobation of government. His confidence in the known supporters of the Orange faction was marked : as well as his general diffidence and reserve towards their most prominent and avowed enemies.

During this session of parliament, the case of Mr. Judge Fox was set to rest. As one of the committee on that business, the venerable Lord Thurlow came into the House, leaning on the arm

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of the Prince of Wales, who appeared to take a lively interest in the fate of the virtuous Irish Judge. His Lordship delivered a learned, constitutional and forcible speech against the origin and whole process of that state prosecution. The new ministry had certainly the merit of doing justice to Ireland, in rescuing two of her Judges from the fangs of ministerial vengeance, to gratify the malignant resentments of individuals, who fancied themselves insulted and exposed by any instance of virtuous independence upon the bench. Lord Grenville had repeatedly, during the session moved to put off the consideration of Judge Fox's case from time to time: and his Royal Highness the Duke of Cumberland, as the friend of Lord Abercorn, said, he had been requested to signify to the House his consent, that the matter should be deferred for a short time, but trusted, as his Royal Highness expected, that the matter would not be put off *sine die*. On the 19th of June, Lord Grenville moved the order of the day, for taking into consideration the petition of Mr. J. Fox, which having been read by the clerk, his Lordship observed, that the period was now arrived, when it became a question, how far it would be either wise or expedient, or how far likely the calls of justice would be answered by their Lordships entering, at such a period of the session, upon the investigation of a subject of such an extensive nature. For his part, when he considered the nature of the case they were called upon to investigate, and the very advanced period of the

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session, he had no hesitation in giving a decided opinion against such a proceeding. With respect to the subject itself, in a more enlarged point of view, he had repeatedly expressed his opinion, that the proceeding originated, *ab initio*, in a place, where there existed no jurisdiction competent so to take cognizance of, or to decide upon it. That opinion he rested upon the broad principle, that by the law of parliament, or even by the constitution, no charge of this kind could originally be preferred or proceeded upon in that House, as a court of appeal or of criminal jurisdiction. In the last resort, they could decide; but, with exception of what regarded the maintenance of their own privileges, they could not constitutionally entertain a matter of criminal complaint in the first instance. In this he was borne out by the all the constitutional authorities, particularly by the case of Lord Chief Justice Holt, the authority of which afforded a decisive precedent in point. What he now said, he wished to be understood as in no degree referring to what might have transpired in evidence. That testimony was given *ex parte*; and, therefore, whatever might have been sworn, nothing had been proved. His opinion rested not on any of the facts of the case, but upon the conviction, that the proceedings hitherto had were contrary to the law and the constitution of the country. For every case, wherein the law was transgressed, the law provided a remedy to be obtained, by proceeding in a regular and lawful course. That House

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was not a court of original jurisdiction. Were they to open the doors of the House to complaints of this kind, and proceed to entertain the present, upon what principle could they shut them against the complaint of any party, who might consider himself aggrieved by the decision of a judge upon a circuit, or by his behaviour to him as a juror? Where would the line be drawn? Other complaints must be entertained, as well as those against Mr. Judge Fox, and their Lordships might be occupied, as in the present instance, for three, nay, even to an extent of seven yeass. These proceedings would go to render not only more arduous and unacceptable the office of a Judge; but even in the way of expence to amerce him to that degree, as would absorb the whole of his well earned salary; the recompense of a life of toil, and studiously acquired science. No man could be more desirous than himself, to provide duly and legally for the safety and protection of their fellow subjects in that part of the United Kingdom; but had his poor voice been attended to, another and more efficacious course would have been adopted. He should therefore propose to adjourn the further consideration of the case to a day beyond the certain extent of the present session, namely, that the farther proceedings in this case should be adjourned to that day two months. On that question having been put:

Debat.
Judge Fox
case,

The Marquis of *Abercorn* said, that he had heard the Noble Lord with great pain and regret. If, as was to be apprehended, from the great

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weight and authority, which the Noble Lord had in that house, a negative was to be put upon the further proceedings in the case of Mr. Judge Fox, he feared, that there would be soon sufficient cause to lament the precedent established by such a decision, and that the Noble Lord himself would ere long repent it. He would not attempt to reply to the arguments adduced by the Noble Lord for the purpose of proving, that the charges ought not to be brought before the House, as he considered the time was past for such an argument; the House having already repeatedly decided to the contrary. They had ordered witnesses repeatedly to attend to give their evidence; a similar order had been again made this session, and witnesses were now in attendance. The witnesses had travelled many weary miles to attend at the bar of that House to claim the justice, which was due to them; and now, after having heard a part of the evidence, and gone thus far, the proceeding was to be suddenly put an end to, the remainder of the charges was not to be investigated, and with respect to those, which had, the learned judge was to be deprived of the opportunity of rebutting the evidence against him. He regretted, that he must be under the necessity of detaining their Lordships a considerable time, but he felt it to be his duty, under the circumstances, in which the House was placed by the present motion, to call their attention to the whole of the evidence, which related to the charges against Mr. Judge Fox with the view of putting it to them upon the whole

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of the case, whether they could consistently, or in justice, now suddenly abandon the proceedings, which they had commenced. His Lordship then entered into a very long and minute detail of the charges against Mr. Judge Fox, and the evidence in support of them, commenting on each charge as he went on. Lord *Eldon* followed on the same side. He maintained that the powers of that House, from which they had no right to recede, were judicial, legislative and inquisitorial. The matter had been allowed to originate in that House, and they had no power to allow it to drop without coming to an opinion upon it. Even if the matter should be allowed to pass over for the present session, he should not conceive himself warranted in allowing it to go by during the next.

Lord Chancellor *Erskine* supported the motion of Lord Grenville. Though the powers of the House might be inquisitorial as well as judicial, he apprehended that cases of complaint, in which that House must ultimately be the judge, should always originate in another place.

Earl *Moir* was of a similar opinion, and enforced the necessity of allowing a person, who was not deprived of his judicial functions, to go on in the undisturbed administration of them, until such time as a regular charge was exhibited before a proper tribunal.

Earl of *Buckinghamshire* opposed the motion. And Lord *Hardwicke* conceived that the charges should be proceeded in,

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Earl *Spencer* agreed in the motion of his noble friend, and Earl *Westmorland* maintained, that the charge having been once entertained by that House, they were bound to proceed in it. The House divided; for Lord Grenville's motion, 25; against it 16.

Thus closed the prosecution of Mr. Judge Fox, ^{Close of Judge Fox's case.} after it had for three years taken up the time of the House of Lords, forced from the legislature a partial and useless act, drained the public purse of above £30,000, and harassed an upright and inflexible judge by vexatious prosecutions, exorbitant expence and malignant obloquy. Notwithstanding the short duration of the Grenville administration, and the quick return to power of the prominent coadjutors of Lord Abercorn to crush the venerable judge, who had dared to make head against the system, yet so powerful was the acclamation of the respectable and independent part of the nation, in favour of his integrity, correctness and inflexibility, that they have never since ventured to bring the matter again before the public. Even without an opportunity of repelling the foul crimination of an overbearing and confederated ascendancy, the increased confidence, approbation and credit of the discerning public have superseded the necessity of any defence and refutation on the part of that virtuous judge.

The case of Mr. Justice Johnson,* though of ^{Close of Justice Johnson's case.}

* As the whole of the proceedings both in Court and Parliament relating to the case of Judge Johnson involves more novel

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a very different complexion, could not fail to arrest the attention of the new ministers. It was glar-

and unaccountable principles of legislation and jurisprudence, than any single case, which ever occurred in the most extraordinary of times, and the experiment has been first made upon Ireland, the reader will perhaps lay the following observations upon that case, to a laudable, certainly, an earnest anxiety to develop more clearly the secret workings of that system. The new rules of law respecting the evidence of hand writing and libel, which were introduced by Lord Ellenborough on the trial, may affect the life, liberty and property of any individual: it is therefore fitting, that they should be more extensively known, than they are likely to be from the lecture of law tracts and reports, which are seldom read by others than gentlemen of the profession.

It has been said (p. 72,) *that they consented to a bill being introduced for compelling witnesses to attend in England.* Now the above sentence does not explain the peculiar circumstances, which occurred in the passing of the above bill to amend the statute of 44 Geo. II. The facts were as follow: leave was moved to bring in the bill, and it was *proposed to be for no other purpose*, than to amend the former act, by giving liberty to the party to tender bail. This was all, that had been first objected to in the former act. Accordingly, the bill to amend, as *first* brought in, contained no other clauses than those, which were made the first and second section of the act, and which relate to giving bail only. In this form, and with these two clauses *only*, the bill, being brought in, was ordered to be *printed* and circulated; and with those two *clauses only*, the printed copy was sent over to Ireland. While this was going on, and in the interval between the first and third readings of the bill, some of the officers of the Court of King's Bench, among whom this extraordinary expected trial was a matter of conversation, had mentioned, that it was impossible the trial, as the law then stood, should ever take place; inasmuch as the Court of King's Bench would never, according to their rule, put a party on his trial, where he could not *compel* the attendance of witnesses. This defect, dis-

ingly notorious, that this too had been from the beginning a deep and insidious job of abused

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covered by the talk of the officers, came to the ears of persons interested in prosecuting the trial. They carefully, however, *concealed their information*, and their consequent designs, as there was nothing so much dreaded, as a debate in the Commons on the bill. Accordingly the clauses, which were marked the 3d and 4th sections of the statute never made their appearance until the *third* reading of the bill, which is almost always in the House a matter of form unattended to. They then were offered, and added, when probably there were not twenty members in the House, just before its rising. Thus they passed, without the slightest notice or intimation. If notice had been given, there were persons ready to oppose them upon such grounds, as would have rendered the measure extremely difficult, if not impossible to be carried.

By the practice of the common law the same process is allowed to the defendant in a misdemeanour for his defence as the Crown uses in his prosecution: i. e. the defendant is entitled to the benefit of a crown summons or *subpœna* to compel the attendance of witnesses, and upon the same terms; the Crown at common law paying no expences. By some Irish statutes, Grand Juries may present for the expences of witnesses summoned for the Crown; but this is an exception. This rule of common law is founded upon necessary justice and humanity. A person charged with a crime is supposed innocent. To mulct him in the preliminary steps by the payment of witnesses on the institution of a public prosecution would be an intolerable hardship. The Crown pays no costs. If a man be found not guilty, the Crown would by this means have the power (and has the power under the present act) of mulcting any, the most innocent man in the community in an enormous fine. Mr. Justice Johnson's expences in bringing over witnesses alone cost him about a thousand pounds. Had the verdict been in his favour (with due respect to the Court many think it ought) then a man found innocent would have been enormously fined without remedy. Supposing, on the other hand, that the power of the compul-

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power to answer the views of vindictive resentment. The great soreness of Lord Hardwicke

sory process of the Crown to witnesses be extended from one kingdom to another, without providing for the payment of their expences, the same grinding power, which is now put into the hands of the Crown officers over the property of any person however innocent, whom they may think proper to charge, would be giving over the property of every man in the community, whom they might think proper to persecute by summoning him as a witness. For however idly a man may be summoned by the Crown he has no redress, except under some particular statutes as to Grand Juries. But under this statute he has no redress whatsoever, if he be summoned not on behalf of the defendant, but on behalf of the Crown. For it is not at all provided, that the Crown shall pay witnesses summoned for the prosecution. The Crown is not so much as named; and the Crown cannot be bounden or have its prerogative taken away without being named. Upon a view of the whole law, as it stands generally, it is full of partiality. According to the law, as it now stands, if a man be tried within the kingdom, where he resides, he has the benefit of the Crown process, as formerly, without payment. But if to the hardship of a trial, be superadded the hardship of being charged with having *escaped* out of a place, where he never was, into a place, which he had *never quitted*, and being *therefore* dragged out of the place, where he had always lived, into a place, where he never existed: and that from one kingdom to another, and there rendered liable to the jurisdiction of a court, within the limits of which he had never breathed, under all those accumulated hardships, absurd in physics, impossible in nature, produced by the wild *fiction* of law, he shall then, and not until then *pay all expences*; whereas had he been tried in any *other* way, except under that statute, he would have paid no expences.

It was said in the note, page 74, that the only *point* made at the trial was, whether the manuscript were the hand writing of Mr. Justice Johnson. That was the question of fact, not a point of law. As by the decision in that case, and the rules

and Lord Redesdale at the reflections made upon them in the letters of *Juvena*, had produced the

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given by the Bench, the law of libel, as well as the law of evidence at least, according to the generally preconceived opinions on these subjects, seems to have been entirely changed, it may be necessary, that the public may be aware of the law, as laid down on that trial to take some notice of it.

In the discussion, and upon the decision of the evidence respecting that question of fact, several points of law appear to have not only been decided, but to have been *discovered*. In page 30 and 32, of the printed report of that trial, William Cobbett was admitted to give evidence, that he had received in the *same hand writing* as the other letters, an anonymous letter, enquiring of him, whether it would be agreeable to him to receive from Ireland certain true and useful information respecting that country. Upon being questioned as to the existence of the letter, he said, he believed it was lost. It had been sent to the printing-office, where however he admitted he had *never searched* for it. Upon the admission of this evidence, a great and general rule of evidence arises. First, that a man, who had never seen the party write, and who had never seen such writing except in the particular papers, and who had never even compared the papers together, should be admitted to give evidence of similitude of *hand writing*.

By the former law of evidence, similitude of hand-writing could be given in evidence only by a person, who had seen the party write, and having been accustomed to see the writing, could from his *general acquaintance* with the character, form a belief, that the paper produced was of the *same hand-writing*. But in the present a *new rule of law* is laid down. Cobbett had never seen the party write, had not been accustomed to see his writing, and had never compared the writings together, which, he said, were written by the same hand. Therefore the general rule of law must now be considered as totally altered. Secondly, as to giving parole evidence of the contents of lost papers, the *former rule* was, that upon proof, that a paper had been *diligently searched for in all places*, where it was probable it could be found, and

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prosecution against Mr. Justice Johnson : and as the statute of 44 Geo. III. c. 3. s. 92. was the new

was not found, then and not till then, was parole evidence of the contents of such papers admitted. But in the present case, the witness was received to give evidence of the contents of a paper, which he admitted he had *never searched* for in the place, in which it was most likely to be found, viz. in the printing-office, to which he had himself sent it, but that he had searched for it in the place, where certainly it could not have been found, viz. his own house, whence he had sent it. This decision therefore forms an entire *new* rule of law. As to reading a paper against a defendant, in order to shew its libellous tendency, the former rule was laid down by Lord Mansfield, (5 *Burrows*, 2689) that *publication* must *first* be proved ; for the paper cannot be *read* until it be *first* proved to have been *published*. But in the present case, publication was proved by *first* reading the paper, in order to prove, from its internal evidence, as it was called, that it had been published. The former rule of law therefore and the *latter* are directly the *reverse* of each other. The first regulating, that in order to read, publication must *first* be proved. The second deciding, that in order to prove publication, you may first read. This last therefore is a *new* discovery in the law of England. Considering it in the plain light of common sense, this last seems a most extraordinary rule. That the contents of a paper may afford conclusive evidence of *intention*, must be at once admitted. But that the contents of a paper should afford evidence of the *execution of an act*, which never can have its *commencement* until *after* the writing is *totally finished*, seems to confound all understanding of the nature of physical and metaphysical evidence. Again, let it be supposed, that this rule had existed as a rule of law at the time of the case of the seven bishops. The rule *now*, according to the reported case of Mr. J. Johnson is, that the contents of a paper may be read against a party *before publication* is proved, and in order to prove publication, from the *internal* evidence (as it was called) of the contents of the paper. Suppose then this rule had *existed* at the *time* of the case of the seven bishops. The paper of the bishops was proved to

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invented engine, by which he was to be tortured and punished for those reflections, it is a fact not

have been written by them, but in Surrey. It was found in the King's hand in Middlesex. This was insisted on, as evidence of a publication in Middlesex. But the Court denied it. But suppose the Council for the Crown had insisted upon reading the paper, to shew from the *internal* evidence of its contents, that publication had taken place in Middlesex. No paper, that ever existed could have gone so far under the circumstances to raise a *presumption* of publication in Middlesex by the bishops. It was a petition directed to the King by the bishops. Could any circumstantial evidence have gone so far to prove the fact of delivering, i. e. of publication by the bishops? But the Court refused to let *presumptions* alone go to the Jury of such a fact. It must be *proved*. The Counsel for the Crown at that time, did not venture to offer to read the paper before publication was *proved*, in order to prove it by *internal* evidence. The Council did not venture to offer, and the Court would not have ventured to receive it. We must now suppose the rule of law to have been since changed; because (at least as it has been reported) a different rule has been promulgated in times of the utmost light and of the utmost purity. The case of the seven bishops was mentioned at the trial of Judge Johnson, was insisted on as a precedent supporting the case of the defendant. But it was denied, and (as it is reported) a singular distinction was taken by the Court, in order to found a different rule of evidence from that precedent. In page 67, of the reported trial, the Chief Justice, in comparing the cases of the seven bishops and of Mr. Judge Johnson, is made to say, But what was the paper itself? a libel. No; it was a fair, decent loyal remonstrance to his Majesty, &c. This petition indeed was called a libel; but was that a libel? No: not unless the act of publishing it could be called a libel; but where is the ANALOGY between that case and this? Here is a paper, which every body admits to be a libel published in the county of Middlesex; and if the thing be a libel, as undoubtedly it is, the only question is, whether the defendant *procured* it to be published in the county of Middlesex? It is to be ob-

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unworthy of notice, that the two foremost persons upon the committee for bringing in that bill, were

served, that the bishops, as well as Mr. Justice Johnson, were indicted or informed against, not only for publishing, but for *causing or procuring* to be published, according to the usual form. There the analogy is perfect. But the Chief Justice observes, the cases are not analogous. Therefore the difference must be in some other circumstance. Where then is the difference? Why, in what it is reported the Chief Justice stated; namely, that the paper of the bishops was not a libel, and that the paper of Mr. Justice Johnson was a libel. Now we cannot suppose this distinction taken by the Chief Justice impertinent to the question then before the Court. What was that question? Whether evidence *different* from that of the bishops case should be received, on Judge Johnson's case? And different evidence was received to prove the *same issue*, as the charges in both were the same. Upon what ground was that different evidence received? Upon the *difference* of fact upon the two cases. What was that difference of fact? Why that one paper was a libel, and the other paper was not a libel. Therefore this GENERAL RULE in the law of England seems to be established. That a paper, which is a libel, may be proved against a defendant, by totally different evidence from a paper, which is *not* a libel, and that the proof of a paper writing, varies according to the tenor or contents of that paper. *A new rule!*

The next rule, which may be drawn from comparing different parts of the trial together, is as follows. Upon that part of the case, (p. 32 and 33.) wherein the evidence was offered of the contents of that letter, which contained the first *overture* to Cobbett to publish, and of the similitude of its hand-writing to the subsequent letters, the printed report of the trial gives the following observation to the Chief Justice. This is really nothing more, than to account for the letter being directed in a particular manner, and really it is hardly worth a contest. As to the *hand-writing in that letter, there is nothing in this evidence to affect the defendant, and it does not signify a farthing*. But in page 118, where the Chief Justice charges the Jury, the report of

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Mr. Perceval, the brother-in-law of Lord Redesdale, and Mr. Yorke, the brother of Lord Hard-

the trial gives him upon the *same* part of the evidence, viz. the *overture*, the following words. The next evidence is that, which relates to the fact of the hand-writing. "This evidence is NECESSARILY COUPLED with the OVERTURE made to Mr. Cobbett, and the fact is to be made out by proof, that the defendant was actually the writer of the libels." From comparing the observation as that of the Chief Justice at the time of the offer, and admission of the evidence respecting the *overture*, with the charge upon that same evidence *after* it was so *admitted*, the following conclusion arises. That evidence, which upon being offered is declared by the Court, that it can in *nothing* affect the defendant, and that it does not signify a farthing, may become NECESSARILY COUPLED with the *only* evidence, which directly affected the defendant, namely, the evidence of hand-writing of the libellous papers, and by that *necessary* accouplement, to bind that chain of evidence against the defendant, which without that *necessary* accouplement would have been unconnected and imperfect. Either the *coupling* together the two pieces of evidence was *necessary*, or it was not. If it were *necessary*, (and the Chief Justice is reported to have said it was) then the proof would have been defective without that, which was *necessary* to its perfection. And if it were *so necessary*, then the defendant could *not* have been convicted *without it*. And if he could not have been convicted without it, then he was convicted upon the admission of evidence, which the Chief Justice is reported to have declared upon its admission, (p. 33.) *had nothing in it to affect the defendant, and did not signify a farthing*. Hence this general rule of the law of England may be inferred. That a party prosecuted, may be convicted by the NECESSARY ACCOUPLEMENT of evidence, which in one part has nothing in it to affect the defendant, and does not signify a farthing. Such is the state (as it is reported) of the law of England. Another singular principle in the law of England, may be discovered from reading the part of the evidence of Mr. Giffard, as it is reported in p. 105. Mr. Giffard having said, that he held an office in the revenue, but was turned out of it by

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wicke, both prosecutors. It ought moreover not to be forgotten, that some delicate impediments

Lord Hardwicke, was asked why? He answered by saying, for that being a Protestant, he had moved a petition to the Imperial Parliament, praying them to sustain the King and Constitution. Upon this evidence, the Chief Justice (as it is reported, p. 121.) made the following comment. "It is a libel on that noble Lord's character to suppose there can be *truth* in such a statement." Hence it follows in fact, that any person then in Court, who might for a moment even mentally have *supposed* Mr. Giffard's evidence to have been true, was *guilty* of a *libel*, by the solemn decision of a trial at bar in the Court of King's Bench. Hence the following general rule of the law of England, appears to have been then solemnly established. That a mere *supposition* (which includes, as well an internal cogitation, as an outward expression either by words or writing) may be a *libel*: and that he, who has his hands tied behind his back, and a gag put into his mouth, may, if he should *suppose* (or cogitate) *eo instanti* be a *libeller*. But if the solemn decision (as it is reported) of the King's Bench upon this last point be historically coupled with subsequent events, it will afford no favourable comment on the existing law of England. For in the very session of parliament, which succeeded the time of this trial, the Earl of Hardwicke upon some charges having been made in debate in Parliament relative to the above mentioned dismissal of Mr. Giffard, caused the Lords to be summoned; and upon their meeting did publicly state his own conduct, and explicitly admit, that he had so dismissed Mr. Giffard for the very reason as assigned by Mr. Giffard; namely, for having moved such a petition. The noble Earl however added, that he had caused his pleasure previous to be intimated to Mr. Giffard, that no such petition should be moved. The Earl publicly justified his conduct on this identical fact, as stated in evidence. Hence it follows, that by the law of England, as it is reported, to have been solemnly ruled on this occasion, a man may be *guilty of a libel* by even *internally supposing*, that another man did perform that action, which the performer publicly declares he did, and justifies his having done it.

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arose in the minds of the ministers against their doing any thing, which should cast too severe a censure upon the conduct of their predecessors in office, inasmuch as Lord Ellenborough, a member of their own cabinet, had tried Judge Johnson, and on the trial had gone unprecedented, and in the opinion of the sounder part of the profession, most unwarrantable lengths, in order to render the justice of Westminster-hall ancillary to the policy of Downing-street. A practice too prevalent, alas! with the system both in Great Britain and Ireland: and that Lord Hardwicke had joined their administration. In order therefore to put as quiet a close to the matter as possible, the Attorney General was directed, and he accordingly did enter a *noli prosequi* on the record, as of Trinity Term 1806. The learned Judge, whose health was much on the decline, was allowed to retire upon a pension for his life.

The parliamentary proceeding of the session, which most particularly affected Ireland, was Sir Irish revenues and resources.

All the above observations must be taken, as relating to the trial, *as it is reported*. The law of England is in such a state, that no man subject to it can possibly know, or unless he be personally present, can presume to know what passes in any Court of Justice. No official or authorised account is ever published of such proceedings. Trials reported are taken upon the credit of unauthorised reporters. They are mere historic memorials of the times; and authorize the annalist to submit these reflections to his reader, as arising out of them. This trial apparently tended to draw the sentiments of the Bench more closely into unison with the feelings of the Court, than the law and constitution of these realms either intend or warrant.

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John Newport's statement of the revenues and the resources of the country to the Committee of Ways and Means upon his opening the Irish budget. He assured the House, that though in some respects, he could not congratulate them on the state of the revenues of Ireland; yet whatever deficiency did exist, had arisen from the want of order, regularity, and arrangement in the management of the revenues. It was extremely desirable to establish the same regulations in Ireland, that were in force in England. However, notwithstanding the difficulties and impediments, which the trade and commerce of Ireland had to encounter, he was happy to state, that the country possessed means and resources, that would materially add to the strength of the Empire. The value of the exports from Ireland last year, amounted to £5,202,000, being a considerable advance upon the exports of the preceding year. The export of linens also, and the import of flax-seed, had considerably increased during the same period. The exports of the last year were greater in amount, than the exports of any preceding year since the year 1792. Another proof of the progressive prosperity of that country, which arose out of the encrease of its exports, was the course of exchange, which had remained steadily, during the last four months lower, than at any former period. The terms, upon which the last loan had been negotiated in Ireland, afforded a still stronger proof of its encrease of prosperity and confidence in the go-

vernment. They were more advantageous, than the terms, upon which any loan had been negotiated in Ireland since the year 1792. As to the supplies for the year, the proportion of contribution to be raised by Ireland to the joint charge of the Empire, was, with currency, £5,739,880

The separate charge of Ireland, including the interest of its debts, . 2,522,340

Being in the whole, 8,262,220

Which he proposed to be raised by a loan of two millions in England, . 2,166,000

Ditto, in Ireland, 2,000,000

By treasury bills, 500,000

The revenue of Ireland, he should take at 3,800,000

On the 1st of the preceding January, it had produced for the antecedent year £3,360,000, but he had reason to think, that £100,000 of the revenue of that year had not been collected. He proposed to carry the revenue of the year 1806 to £3,800,000, by the following new taxes, viz. By a tax of 3s. 6d. per cwt. on all brown and Muscovado sugar, with a correspondent duty on East India sugar, estimated at £74,000.

A duty of 2s. per cwt. on iron imported into Ireland. in place of the present duty of 12s. 6d. per ton, £15,000

An additional duty on all teas under 2s. 6d. per ditto, 2,000

Stamp duties, according to a new schedule, 80,000

Stamps on entries, 21,000

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Regulations of the duty on distilleries, by taking off the duty of 8 per cent. on stills of 500 gallons, and reducing the bounty from 16 to 8 per cent. on those of 1000 gallons,	£70,000
Regulation of duty upon malt,	60,000
Ditto, of duty upon hats, auctions, and paper,	5,000
By taking away certain allowances to Masters of ships in particular ports,	5,800

The Hon. Baronet then stated, that as to the balances in the hands of deceased or dismissed collectors, no effort should be wanting on his part to recover them. They amounted in the year 1805 to £228,800.

Mr. Foster and several other gentlemen spoke upon the subject.

Mr. Parnell, who is ever alive to the interests of Ireland, most appositely drew the attention of the House to the general financial situation of the country, as represented by the Chancellor of the Exchequer himself. He calculated, that were the debt of Ireland to encrease with the same rapidity as at present for 15 years, it would at that period, amount to 120 millions. He therefore called upon ministers to adopt some efficient measures for restraining the progress of so alarming an evil.

Relief of the
poor in Ire-
land.

Another object important to Ireland, drew the attention of Parliament to this country towards the close of the session. Sir John Newport brought in a bill for the relief of the Irish poor, which was in part supported by Mr. Bagwell, but strongly

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opposed by Mr. Foster and Mr. Alexander. Mr. Parnell warmly supported the bill. Mr. Bagwell thanked the Right Hon. Baronet for his perseverance in this bill, but apprehended there was a point or two, in which they might differ. As the law then stood, Grand Juries had the power to raise £400 on counties, and £200 on cities; the consequence of which was, that in those counties, which had cities, there were houses of Industry, supported by the aggregate sum; but in those counties, which had no cities, the contrary was the case; he therefore hoped, that power would be given to the Grand Juries of the latter, to make up that deficiency, as many of the counties so situated in Ireland, possessed more opulence, than some of those, that had cities. From the time, that this assessment of £400l. upon counties was first granted for the poor, it had never been increased, although for other purposes, rates had been made to the amount of £30,000, though the people themselves were so anxious to have provision made for the poor, that houses were built by private subscriptions, rising in a gradation of from 100 to 1000 guineas. It should be remembered, that there were no poor laws in Ireland; and he hoped, it would remain so, for the country was too poor to support the extravagance of the English system of poor laws.

Mr. Foster considered this as a law professing to assist that of 1772, for taking up idle persons, and obliging them to work. That act was only carried into execution in Dublin, where now the

Mr. Foster's
and Mr.
Bagwell's
opinions.

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sum of 20,000*l.* was paid annually for the support of vagabonds. Dublin being considered as the centre, all the other counties entirely neglected them. If the bill were, as he supposed, intended to compel Grand Juries to extend their powers in this respect, he should vote against it; and particularly, as he thought it by far too late in the session to press a measure of such delicate importance, which had been so frequently agitated and rejected by the Irish Parliament. Mr. Bagwell said, there were houses of Industry in other places besides Dublin, but that they were supported by private subscription.

Sir John
Newport
explains.

Sir John Newport explained, that if the Right Hon. Gentleman (Mr. Foster) had attended to the bill, he would find, that it expressly provided, that one-half of the houses should be appropriated to the correction of vagabonds and sturdy beggars, and the other half to the relief of the needy poor. The Right Hon. Gentleman was also wrong in supposing, that this was the first time levies for this purpose had been made compulsory upon Grand Juries, of which he quoted two or three instances, and the only compulsion was on the counties, which had houses of Industry, to maintain them. As to the charge of bringing it forward so late in the session, he appealed to the recollection of members, whether he had not made the same proposition last year. In the early part of the session, he was for a time kept out of his seat, by what he must ever think a very improper proceeding. Since then, his time had been fully occu-

pied, as would be proved by the great mass of business he had already brought forward; and late as it then was, he hoped he might be permitted to go on with a measure, which he felt to be so essential to the welfare of his country.

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Mr. Alexander said, that however disagreeable it might be to oppose a measure, the object of which was professed to be humane and charitable, he must object to all new and partial schemes; as hitherto the relief, holden out to one class of the poor in Ireland, fell heaviest on the other poor part of it. The greatest part of the taxes of the North of Ireland, was paid by people inhabiting houses of about 5l. a year, and as no other property there but lands and houses contributed to the payment of the poor, he was desirous of having some more general measure. Mr. Parnell said, it was impossible to travel over the high roads in Ireland, without being sensible of the necessity of this measure; and as to the objection of its falling heavy on the land owners; they were a description of persons in that country the best able to afford it. The bill was then read a first, and ordered to be read a second time on the morrow.

Mr. Alexander opposes the measure.

It appeared during the first session of the Parliament, that the new ministers studiously avoided, as much as possible, any interference with Ireland. The public mind was nearly engrossed with the impeachment of Lord Melville in the House of Lords, (where he was acquitted) the pending and ultimately unsuccessful negotiations for peace with France, the unfortunate expedition under General

The new ministers shy Ireland, and prorogue the Parliament.

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Whitlock to Buenos Ayres, and other matters not particularly affecting Ireland. The Parliament was prorogued on the 23d of July 1806, and the King's Speech was delivered in the House of Peers by the Lord Chancellor, as the head of the commission appointed by his Majesty for that purpose. It did not even obliquely hint at Ireland. It expressed his Majesty's satisfaction at his Parliament's unremitting attention to the *most important interests of his Empire*: viz. the permanent improvement of the various branches of the military system, and the regulations for the speedy and effectual audit of the public accounts. It thanked the House of Commons for the liberal supplies they had voted for the various exigencies of the public service, by which a large proportion of them was provided for within the year. His Majesty was particularly sensible of that fresh mark of their attachment to him in the provisions they had made for enabling the younger branches of his family to meet the necessary expences of their stations. In referring to the pending negociations for peace, his Majesty looked with confidence to the continuation of that union and public spirit among all ranks of his people, which could alone give energy to war, and security to peace.

Vain expectancies
of the Catholics in
Ireland.

It was fondly imagined by the great body of Irish Catholics, that the prorogation of Parliament would afford the Irish government leisure and time to attend to those internal improvements in the execution of the existing laws, upon the promise of which, they had refrained from bringing

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their claims before the Parliament during the late session. Mr. Ponsonby the Chancellor, and Mr. Elliott the Secretary, had in the mean while frequent interviews with such of the leading Catholics, as were supposed to have the most influence over the city of Dublin, and the country at large. None of them placed confidence in Mr. Elliott: Had he the power, they doubted his inclination to serve their cause. Not so with Mr. Ponsonby. They all knew he commanded the power, and few doubted the sincerity of his inclinations in their favour. As the object of these interviews evidently was to induce the Catholics to keep back their petition, Mr. Ponsonby assumed all the courtesy and attention, which could be shewn; his table was open to several, as his closet was to all. These interviews and consultations of the Chancellor with the different Catholic gentlemen for a considerable time, bore the appearance of secrecy, anxiety and mystery. As there existed differences of opinion amongst those Catholics, whom he saw and conversed with about the manner and season of bringing forward their claims, it is to be presumed, that the different representations of the feelings of the Catholic body made to him, probably in very different manners, left him under a perplexing embarrassment. Mr. Ponsonby had not, like Mr. Fox, offered his best energies to support their petition, if they thought proper to bring it forward, at the hazard of his situation. No other public measure, which (even indirectly) affected the great Irish population, was attempted during

1806.

the first 10 months of the new administration, than the refusal of a commission for the county of Armagh to Mr. Wilson, and the before mentioned unsatisfactory moves in the magistracy of Wexford and Carlow.

Reforms in
the financial
depart-
ments.

Great activity appeared in the fiscal system and official attentions to the revenue, in consequence of Sir John Newport's personal investigation into every department depending in any manner upon the Chancellorship of the Exchequer. Some movements and alterations were made in consequence. The Board of Commissioners was divided into Excise and Customs. In the new commission* was prominently placed Mr. Alexander Marsden, whose continuance in the office of confidential Secretary was too loudly clamoured against by the nation, to be unheeded by the new managers of the old system. His claims upon them for having supported that system through a great variety of changes with perseverance, zeal and dexterity, were too strong not to be handsomely rewarded: he was accordingly appointed to the lucrative situation of a commissioner of the inland excise and taxes†. Two of the vacancies in the commission

* The new commissioners were Mr. A. Marsden, Mr. Edward Taylor, Mr. Terry, The Hon. Abraham Hutchinson, Mr. Dundas, and Mr. George Mackay.

† Mr. Marsden was like other great public characters, exposed to the ungrateful shiftings of the *popularis aura*. At the quarter assembly of the city of Dublin, an address of thanks, which had been voted by the Lord Mayor and Board of Aldermen to Alexander Marsden, Esq. late Secretary in the civil department at the Castle for his conduct, whilst in office, was pre-

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were occasioned by the promotion of the Earl of Donoughmore to the Post Office, and the dismissal of Mr. Longfield. Mr. Trail, who was appointed to succeed Mr. A. Marsden, was a gentleman, who had formerly worked under the old system, and was rather distinguished by his predilections and zeal for supporting it. The ultimate results of those fiscal alterations* introduced by

sented to the assembly of the Sheriffs and Commons, requesting their concurrence. The address had been brought forward in the upper assembly by certain advocates for the new police bill, which Mr. Marsden had been so assiduous in preparing for the city. The only merit openly insisted upon on behalf of Mr. Marsden, was his urbanity and politeness of manners when officially applied to. His antagonists replied, that as well might a dancing-master be addressed for the gracefulness of his bow. Mr. Marsden's activity under Lord Castlereagh in forcing the Union was coupled with his ardent zeal for carrying a police bill, which trampled on all the ancient chartered rights of the city. A division was called for: and 42 black beans appeared against, and only 22 white beans for the address to this once powerful favourite in the city.

* The present financial state of the Irish nation is so alarming, that the reality cannot be too strongly put before the public. The national debt has been trebled since the Union. It then was 30,000,000*l.* and the charge on the nation for payment of the interest was 1,090,000*l.* In 1810, it was 90,000,000*l.* and the charge on the nation to meet the interest was 4,730,000*l.* It will throw considerable light on this awful subject to lay before the reader the four resolutions, which Sir John Newport brought before the Committee of the House of Commons, so late as March 1811; the more especially as Mr. Foster's observation upon his 4th resolution pointedly refers to this very measure of 1806.

" 1st. That the funded debt of Ireland has nearly trebled within ten years, and amounted on the 5th of January, 1811, to £.89,728,992, occasioning an annual permanent charge for

1806.

Sir John Newport have not yet been fairly known to the public. Certain it is, that they were

interest, sinking fund and management of £4,273,000, to which head of expenditure alone, the entire ordinary revenue of Ireland, amounting in the last year to only £3,614,000, has become wholly inadequate.

“ 2d. That the various plans submitted to, and adopted by Parliament, for raising the amount of Irish revenue by increased taxation, to defray the Irish quota of expenditure, or even to make due provision for discharging the interest of the loans, have totally failed to answer the desired object, inasmuch as the net revenue of 1810 is 800,000*l.* below that of the year 1807, although taxes, estimated to produce more than 900,000*l.* were imposed, and 862,000*l.* added to the charge of public debt during that interval.

“ 3d. That for this failure of estimated revenue, which has been progressive during several years, although most striking in that, which has just elapsed, no adequate causes can be discovered in the commercial difficulties of the Empire, since the intercourse between Great Britain and Ireland, which is the great channel of the commerce of the latter, has not been impeded, except in one instance, and the deficiency must therefore be attributed to other and different causes.

“ 4th. That the expences of the collection and management of the revenues of Ireland have advanced in a most striking degree, particularly since the year 1807. That the amount of deductions on this account from the revenue, customs, excise, and inland taxes of Ireland, in its passage to the Exchequer, has risen from 418,000*l.* at which it stood in 1807, to more than 720,000*l.* in the last year; out of which sum 227,000*l.* were absorbed in the incidental expences of the two boards, to which the direction of those departments was intrusted; and that it appears, that in 1807, those duties were collected at a charge of 10*l.* 16*s.* per cent. in the customs, and of 8*l.* 15*s.* in the excise and taxes on their nett revenue: whereas that charge has risen in 1810 to more than 25 per cent. on the net produce of the customs, and more than 16 per cent. on that of the excise and inland taxes applicable to the public services of the year.”

ushered in with a considerable portion of accumulative patronage.

To every Irishman, who feels the value of civil liberty, and can appreciate the share of it procured by Mr. Grattan for his country in the year 1782, though since filched from her by the Union,

1806.
Mr Grattan
restored to
the Privy
Council.

Mr. Foster, in observing on those resolutions, complained, that the statement of the revenue did not include the extraordinary resources of the year, such as the proportion of the lottery, &c. amounting to about 230,000*l.* as well as the ordinary revenue, and was therefore fallacious. On which Mr. Bankes justly observed, that the statement was most properly confined to the ordinary permanent revenue, as that alone could be considered applicable to pay the charge of the funded debt, and it could not be called fallacious, as it purported to convey no other meaning.

Mr. Foster observed on the fourth resolution, that the increased charge of collection and management of revenues arose, in a great degree, from the separation of the departments of customs and excise, effected during Sir John Newport's official engagement. An opportunity did not present itself of refuting this; but as the comparison is instituted between this charge in the year ending the 5th January 1808, and that ending January 1811, it cannot be affected by the expence of a division of those departments; which as to the board of controul, took place in 1806; and as to the collectors and subordinate officers in February and March, 1807, the compensations for fees suppressed in the department of the customs do indeed form a considerable part of this increase, to the extent of near 800,000*l.* and perhaps in no instance has enormous and wasteful profusion been more apparent. For instance 5,900*l.* annually for two lives to the storekeeper of the port of Dublin; 980*l.* to the surveyor and comptroller in the stores; 900*l.* to the gauging surveyor; 1,000*l.* to the searcher, packer and gauger; 1,200*l.* to the port surveyor of Cork; and very many other similar grants.

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it cannot be a matter of indifference, that his truly *right honourable* name was restored to the list of privy counsellors. At the same time, every reflecting patriot laments, that either he should have declined, or not have been pressed to accept of a prominent and efficient share in the administration, of which his political friends were supposed to have formed the basis. It certainly was not by accident, that neither the name of Grattan nor of Curran graced the list of new arrangements. Ireland will never be convinced, that those twin genii refused the exertion of their talents to liberate and liberalize their country. Mr. Grattan not called to a situation to render, and Mr. Curran politically excluded from the possibility of rendering any aid or lustre to their country. What is the inference? But that Ireland was to be degraded and oppressed, and to be moreover deprived of her native powers to prevent it.

Death of
Mr. Fox.

The death of Mr. Fox, on the 13th of September, was an afflicting event to his country, and to mankind. His capacious benevolence embraced them all. To Ireland he had been virtually dead for some months. His letter to Mr. Ryan may be properly considered his last will and testament to her. In that his candour disclosed his feeling and judgment upon her case: his benevolence drew from him the unqualified tender of his best exertions in her cause, and his liberality prepared him for the sacrifice, which he wisely foresaw would attend the duty of benevolence. Which of his colleagues did the

1806.

like? Mr. Fox was the only great statesman, who could not guide his passions by his policy. His ambition was as great as that of any man: but it was to attain power, that he might command the means of being humane and just: that he might secure perfect freedom, civil and religious, to every human being. No man ever had a more comprehensive knowledge of, or practical veneration for the British constitution, than Mr. Fox. A monumental proof to posterity, that whatever claims, that illustrious statesman openly abetted were strictly constitutional. The rare and admirable assemblage of Mr. Fox's personal qualities and attainments are the theme of the biographer, or the English or universal historian. But observing, that during a most arduous career of politics Mr. Fox was never guilty of the slightest tergiversation, and withstood the most powerful lures to apostacy, that he better knew, than all his contemporaries, the principles, views and interests of foreign states, and as to home politics, that his intuition and prescience were almost supernatural, (never having reprobated a measure of which the result was not disastrous, nor recommended a line of conduct, which failure and unavailing repentance from rejection did not shew the wisdom of his advice,) is to furnish an irrefragable argument, that the system of Irish government, which he invariably deprecated was radically mischievous and vicious: and the Irish claims, which he unceasingly supported were founded on the im-

1806.

mutable principles of right, justice and enlightened policy.*

Suppression
of partial
disturban-
ces.

The summer of 1806 was marked by no internal occurrence worthy of notice. In the city of Armagh, where the Limerick militia was quartered, very alarming symptoms of discontent displayed themselves on several different days in July. Most of the men of that regiment are Roman Catholics. The yeomanry of the city of Armagh, and the greater part of the townsmen, who are Protestants, and mostly Orangemen, had arrayed themselves on one side, and held very provoking and insulting language to the militia men: they drew up, and were joined by most of the Catholics of Armagh: but providentially they committed no further excesses, than some personal assaults, in which many were severely wounded. A garrison affray happened at Tullamore between a party of the light brigade lately quartered at Birr, consisting of the light companies of the Derry, Monaghan, Limerick and Sligo militia, which had marched into that town in the evening, and some companies of Hanoverian infantry, that had been quartered there for a considerable time. Two lives were lost, and several on each side (about 30 in

* The death of Mr. Fox caused no alteration in the Irish government. In England, Lord Howick quitted the Admiralty, and went to the Foreign Office. Mr. T. Grenville succeeded him in the Admiralty. Lord Sidmouth resigned the Privy Seal to Lord Holland, and Lord Fitzwilliam retired from the Presidency of the Board of Controul, to which Lord Sidmouth succeeded.

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all) were wounded. By the prudent and officer-like conduct of General Von Lysingen, the Hanoverian commanding officer, the affray was checked, which by improvidence or malice might have set the kingdom in a flame.

The most serious disturbances, which were like-Threshers.
ly from necessity, accident or design, to be worked up into a political consequence, were the tumultuary proceedings of a large portion of the peasantry in the western parts of the country. Where the rack rent paid for land by the immediate occupier of the soil, which went to feed the middle men, who idly subsisted on their profit rents, was exorbitant, beyond all proportion, to labour and provision, it was to be expected, that these industrious victims of extortion should at least be sore at the extreme difficulty of discharging their landlords and maintaining their families. But when unexpected demands were made upon them from road-jobbing presentments of corrupt Grand Juries, and the surcharged claims of tythe proctors were heaped upon them (no matter whether legal or illegal) can it be a wonder, that the original soreness from difficulty, should have arisen into despair from incompetency, and thence have proceeded from individual to combined resistance? In consequence of recent exactions from the tythe proctors in the counties of Mayo, Sligo, Leitrim, and parts of Roscommon, formerly notable for their pacific and orderly demeanour, a body of people, stiling themselves *Threshers* (i. e. of tythe proctors corn) had appeared in a

1806.

sort of public confederacy. Up to that time, they had punctiliously confined their outrages and depredations to the collectors of tythes and their underlings. They frankly averred their reasons for their conduct, viz. that from the late unprecedented rise in the tythes, beyond what had before been insisted upon, the profits of their crops centered almost entirely in the tythe proctor. They sent letters, signed *Captain Thresher*, to the growers of flax and oats, warning them, under severe pains, to leave their tythes in kind on the fields, but on no account to pay any monied composition to their rectors and vicars, or their lessees or proctors. Had the managers of the Bedford administration *in all things* minutely followed the example of their predecessors, those counties would have been proclaimed, and probably a more general insurrection have existed in Ireland, than in the year 1798. Many of the task drivers under the old regime (all found in place were retained, except Lord Redesdale and Mr. Foster discharged by Mr. Fox) urged the government to proclaim the disturbed counties, and recommence the discipline and goadings of 1798. Such an overt re-adoption of the atrocities of terrorism would have at once defeated the main object of the present managers of Ireland, which was to prevent the extinction of the system, by keeping off its sure destruction, the vital question of emancipation.* They accordingly sent Mr. Serjeant Moore

* Lord Grey (then Viscount Howick) on the 26th of March, 1807, in his *Exposé*, sets out with this broad assertion. *They*

to Castlebar, to investigate the nature of the evidence, and report upon the expediency of issuing a special commission to try the forty-four prisoners, who were then in custody for those specific outrages.

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As the bulk of the peasantry throughout Connaught is Catholic, every combination of them must individually consist generally of Catholics. But the Threshers were in no manner an emanation from the Catholic body, or Dublin Catholic Committee, nor in any way concerned with or interested in the questions of the policy and expediency of bringing forward or holding back their petition to Parliament, so warmly agitated at the Catholic meetings in Dublin. Formerly the *White Boys*, *Wright Boys*, *Heart of Steel Boys*, *Heart of Oak Boys*, and other denominations of discontented and tumultuary peasants, had caused similar disturbances in various parts of the country: but none even of the most corrupt and sanguinary Statesmen of those times persisted in fixing the body of Catholics with the crimes of some misguided wretches, who were seduced or goaded into the commission of felony by groupes, under particular denominations, because the individuals had been brought up in the Roman Catholic religion. The conduct of government with reference to the Threshers was singular, if not improvident. Long before the last change in his Majesty's councils, this combination and denomination of Threshers

Further
particulars
of the
Threshers.

hoped by a conciliatory mode of government to keep the question at rest.

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had acquired a formidable consistency ; but, as discontent arising out of misery must at least keep pace with, if not out-keep its parent, they certainly did, during the Bedford administration, acquire strength from the increase of numbers and organization. During the whole of that administration, nothing was even attempted to redress the grievances complained of, under the tithing system, nor to afford relief against the abuses of a corrupt magistracy. The government well knew the progress of the evil ; but, as it was local, no remedy could be effectually applied, which they were not called upon to carry into effect throughout the whole nation, and that, it appears by their conduct, they were pre-determined not to attempt. They betrayed an uncommon anxiety to suppress the magnitude of the evil from the eyes of the public ; and for that purpose, resorted to the hack-nied expedient of bribing the periodical publications into silence or misrepresentation. To some of the more independent papers* in circulation,

* One of the most ordinary, plausible, and mischievous engines of corruption in Ireland has for many years been the mercenary use of the newspapers, which unquestionably work a powerful bias, on so much of the public mind, as thinks not for itself. It is a matter of notoriety, that the favoured prints, to which government sends their proclamations and advertisements, are well understood to follow the directions of government in whatever they lay before the public, as to the state of the country and the measures of the Castle. The proprietor therefore of an established paper estimates this preference at a nett profit of more than £2000 a year. He is consequently a pensioner to that amount, during his observance of the implied compact. The

they offered the publication of the government proclamations, and advertisements, on condition

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mischievous ends not here. As government must advertise their proclamations and other official notices (there being no Court Gazette in Ireland as in England), the preference of some out of the many daily prints rests in the direction of government. On the other hand, that discretion being unlimited, as to the number of favoured prints, but more particularly as to the senseless and frequent insertions of the official articles, long after their stale repetitions have become useless, a most wanton expence is thrown upon the public, which answers no other end, than to enlarge the bribe. To this species of abuse the Hon. C. H. Hutchinson referred so lately as the 20th of March, 1811, in the Imperial Parliament, on the report of the Irish supply, whilst he was urging the restoration of £.5000 a year to Maynooth College, which the Bedford Administration had added to the original grant of £.8000, and which the Perceval Administration, had, in the first ebullition of their Anti-Catholic zeal, most illiberally taken from it. "*The other night*," said that Hon. Member, and staunch friend to the country, "£.10,500 were granted for the *printing of proclamations*. From that sum £.6000 might have been safely deducted; for I am fully prepared to prove that sum had been used for the most unworthy purposes." Mr. Parnell, as a true and indefatigable friend to his country, objected to the grant of that sum, as being for the express purpose of enabling government to bribe the press. Mr. Poole remarked, that the money was wanted solely for the purpose of giving publicity to the government advertisements; adding, that if it had been his intention to bribe the Irish press, he had lamentably failed; seeing, how roughly he had been handled by many of the Dublin papers. So audaciously oppressive and mischievous had been the conduct of the Irish government in the year 1810, that some of their long favoured papers (particularly the *Freeman's Journal*) of the widest circulation could no longer sacrifice the cause of the people and the country to their own emolument. They freely exposed and commented on the measures of government, and were instantly punished for their po-

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of their admitting no article in their paper, which should set forth fairly the actual situation of the Threshers in the Western counties. Government was doubly anxious, that the English public should believe, that there was neither complaint nor cause of discontent remaining in Ireland. It was their pride to be thought capable of keeping the country in complete tranquillity without resorting to martial law or the suspension of the *habeas corpus*, which their predecessors had always insisted upon, as imperiously necessary for that purpose. The proposal of government was rejected; and some true and very alarming accounts of the Threshers were brought before the public. They sometimes assembled in large bodies of several hundreds, dressed in white shirts or frocks, and faced the military for a time; but after some shots, they usually dispersed in confusion: probably from want of leaders or officers to command and enforce discipline. This also proves, that their assemblage

litical honesty by the subtraction of the government advertisements and proclamations. To the honour of the Irish press—three papers only, of very stunted circulation, have been so profligately venal, as solely to support and extol the system. Through these alone, which reach not ten hands, where the others do thousands, are all government notifications now exclusively conveyed to the community. To such pitiful degradation has the government descended to the Freeman's Journal, as to have issued, through its minister, a circular letter to all the public offices, even Paving Board, to withdraw their advertisements and subscriptions, and to the Chamberlain of Ceremonies, to prohibit the advertising the Castle drawing-rooms, balls and levees in that paper.

1806.

and views were momentary and local: merely *anti-decimal*, and in no manner organized or concerted for general revolutionary or rebellious purposes. It was a fresh and angry eruption, from the old sore of many years standing on the body of the Irish peasantry, which Mr. Pitt had in his contemplation in the year 1799, but which even he with all his prejudices against the country, broadly discriminated from the question of emancipation, with the false hopes of which in his speech on proposing the measure of Union he insidiously buoyed up the Catholic body*. They usually assembled early in the mornings, and destroyed whatever tythe corn fell in their way. In the month of November they took 11 tythe stacks from the haggard of a man in the neighbourhood of Ballina, and strewed them along the road up to the very town itself. They made domiciliary visits both by night and day in houses and cabins for arms, which they took without perpetrating any further outrage.

The return of Lord Lauderdale to London, upon the unsuccessful termination of our negociation with France, was quickly followed by a dissolution of the Parliament. The remainder of the year was nearly engrossed by the new elections. Some in-

Dissolution
of Parlia-
ment, and
Catholics
address to
Mr. Grat-
tan.

* "How far, in addition to this great and leading consideration, (namely, the emancipation of the Roman Catholics) it may be also wise and practicable to accompany the measure, by some mode of relieving the lower classes from the pressure of tythes, which in many instances operate at present, as a great practical evil."

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effectual efforts were made to stimulate the electors to demand of every candidate a test of his political creed, and to take security for his acting up to it, when returned to Parliament. The only election incident, which involved in it any national interest, was the address of the Catholic citizens of Dublin to Mr. Grattan on his return for that city, which will transmit to posterity an estimable monument of proper feelings and a delicate sense of honor in both parties.

“ At a Meeting of Catholic Citizens of Dublin, holden on the 15th December 1806, Denis Thomas O’Brien, Esq. in the Chair.

“ *Resolved*, That it is a duty incumbent on us to provide, that Mr. Grattan’s late election for this city shall not be attended with any expence to him.

“ *Resolved*, That it appears to this meeting, that a fund sufficient for that purpose, has been subscribed by the Catholics of Dublin.

“ *Resolved*, that the following address be presented to the Right Hon. Henry Grattan.

“ SIR,

“ Accept the congratulation of the Catholic citizens of Dublin on the event of your election. Friend and favourite of the people, you it peculiarly befits to represent in Parliament the first city of a land, which owes to your exertions its franchises and its prosperity. It was the triumph of

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Ireland, when the most conspicuous distinction, which any of its commoners can now receive from popular approbation, was placed upon that brow, to which genius, patriotism, public service, and public virtue conspired to direct it. In placing you, Sir, at the head of its representation, the city of Dublin has rendered justice to itself: it has averted the national injury, which must have been sustained by your retirement, or the national disgrace, if any place of inferior note had been permitted to confer the trust of legislation upon the habitual guardian of this country's rights; upon the man, whose name, for thirty years has been connected with every improvement, which has been adopted or proposed, constitutional or commercial. Under any circumstances the accession of your talents, of your character, of your authority to the councils of the Empire would have been valuable; but it becomes, indeed, important as great emergencies arise, and at a moment, when many concerns of this Member of the State appear urgently to press for legislative arrangement. In this great act of national honor and national duty, it was our misfortune not to have co-operated so effectually, as we wished, notwithstanding the liberal provisions enacted in 1793. So inoperative have been the laws designed to relieve us, that not a single individual of our body was, on the late election, enabled to vote as a freeman of Dublin; one mode remains, by which we can associate ourselves to the merit of this event; frequent and even late examples authorize

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us to make the proposal, and in it we earnestly entreat your acquiescence. Your return to Parliament has beyond any other occurrence, been gratifying to every patriotic and independent feeling. Let us be permitted to render it altogether a public concern, by taking upon us the expences unavoidably incurred, in a popular and protracted election. Those, who have now the honor to address you, in the honest and zealous impulse of what they feel to be their duty, have made provision for this purpose; it is the tribute, Sir, of men attached to your interest and to your cause, because they identify these objects with the freedom and welfare of their country.

“ D. T. O'BRIEN, Chairman.”

“ To which Mr. Grattan was pleased to make the following answer :

“ GENTLEMEN,

“ In answer to that part of your address, which attributes to me what I do not pretend to arrogate to myself, I can only say, that I took my part in the public service in common with others. The honor of representing the capital of my native country, I feel to be great, and still greater from the zeal, which was manifested in my favour. To you, and to your body I am very much indebted. You supported me with activity and with effect; and though the Catholics could not vote as freemen, yet, I hope the Corporations, from good

1806.

sense and good temper, coupled with a regard to their own real interest, will not long hesitate to second the intentions of the legislature, and give you the full benefit of those franchises, which the statute designed. The last idea contained in your address, which proposes to discharge the expence of my election, is, in a high degree generous and splendid; it does honor to yourselves, and to the person, who is the object of it. Gratified most sincerely by that honor, I must decline the offer; but I feel the obligation undiminished, unabated and perpetual. I have the honor to be, Gentlemen, your most faithful humble Servant,

“HENRY GRATTAN.”

On the decline of Autumn the tumultuous spirit of the Threshers began to spread itself into the neighbouring counties. Lord Granard and the leading gentlemen of property in the county of Longford had frequent meetings to concert measures for checking its progress, at the last of which they came to a string of resolutions*, which they

Threshers
increase.

* COUNTY OF LONGFORD.

At a meeting of the magistrates and gentry of the county of Longford, convened by the Earl of Granard, as governor of said county, on the 8th day of December 1806, at Longford, The following resolutions were unanimously agreed to.

Resolved, That we have observed with deep regret the disturbances and disorders, which have lately been committed in this county by deluded men styling themselves *Threshers*, assem-

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published in the chief newspapers. They bespeak the alarming stage, to which these infatuated wretches had then arrived. About the same time, in consequence of Mr. Serjeant Moore's report, and the growing audacity of the associators, a special commission issued to Lord Chief Justice Downes and Mr. Baron George to try the several prisoners in the different goals of the disturbed counties. In the county of Mayo, 12 of those deluded wretches were found guilty, and expiated their offences by death. Fewer were tried and

blowing by night, disguised and armed, and tendering illegal oaths, or administering oaths, they not being qualified so to do.

Resolved, That we hold such proceedings in utter abhorrence, and that we will collectively and individually, use every legal means in our power to bring such offenders to justice, and that we will co-operate with the military in a strenuous support of the laws, and in affording every protection in our power to the loyal and well conducted part of this county.

Resolved, That liberal rewards shall be given to all persons giving such information as will enable us to prosecute any of the above mentioned offenders to conviction.

Resolved, That the sincere thanks of this meeting be returned to John West, Esq. Hugh Kerr, Esq. and Samuel Crawford, Esq. for their active and spirited endeavours to repress the outrages committed by those deluded men styling themselves *Threshers*.

Resolved, That any person bringing information to a magistrate may rely upon being fully protected and amply rewarded, as the magistrates of the county are authorized, and will be enabled by government to do so.

Resolved, That we pledge ourselves to each other and to our country, that we will not renew any lease, or let an acre of land, to any person, who we have just reason to believe has voluntarily and actively been concerned in any of the above or similar outrages.

suffered in the other counties. The special commission fortunately put a check to the outrages. The country was convinced, that the strong arm of the law sufficed to tranquillize it. Addresses of thanks to the Lord Lieutenant for his having so seasonably issued the special commission, were sent up from the Grand Jury of the county of Mayo and others. It was the peculiar boast of the Castle, that they put down the Threshers without resorting to the violent measures, which Mr. Perceval, in particular, had on the second day of the session so vehemently called upon the ministers to adopt.

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It is to be deplored, that the new ministers, who came into office upon the open avowal of principles diametrically opposite to those of their predecessors, should have been but few months in office, ere they shewed themselves impregnated with the spirit and principles of the old system, as strongly to all appearances, and according to every rational ground of human judgment, as if they essentially constituted the tenure, by which they held their situations. In the old official cant they charged the insurrections of the Threshers upon the religion of the rioters: and the illiberal and injudicious annexation of a tumultuary confederacy of parts of a wretched ground-down peasantry with the vital question of Catholic emancipation produced the only measure* brought forward by the ministers,

The new
ministers
acting upon
the old
principles.

* That measure of opening the military service to Catholics, brought on by Lord Howick, will fall under the consideration of

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which appeared to carry with it any thing like Catholic concession. Those men were now in rule, who had been the loudest in reprobating the conduct of Mr. Pitt as insincere and insidious to the Irish Catholics, because when in office he had the power of carrying their question, and did not: because he declared it essential to the security of the Empire, and that no minister could hold his situation with honor or honesty, without effecting it: and he returned to office on a pledge to resist it. The Catholics were not aware of any abbreviation of the arm of government; they were sensible of no accession of offensive or defensive force to the Empire; they lamented to see the enemy daily aggrandized; they knew the sincerity and ardor of their own wishes to procure a constitution to fight for, and on every application for relief, on every expression of expectancy or even hope, they uniformly found ministers wrapping themselves up in the threadbare cover of *inexpediency*. They were not even soothed by any fresh assurance of good will to their cause; they had received no intermediate subordinate relief or encouragement from the executive, nor was a prospective promise or cheering ray even of remote hope holden out by those, who communicated with them. They naturally bore in mind the advice, they had received from the present servants of the crown, to perse-

the reader in its order. As will also the encrease of the allowance to the Catholic College at Maynooth, which certainly was a beneficial measure, which Catholic Ireland owed to the Bedford administration.

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were in petitioning session after session, to be deterred by no circumstance, no season, no pretext, until their rights should have been conceded, as they ultimately must be. They felt the force of that advice more powerfully under the then existing circumstances, than when it was first given. What wonder then, that the Lord Lieutenant should have written to ministers, that a disposition had arisen amongst the Catholics to prosecute their claims; as Lord Howick avowed in his *Exposé*. It was not against the individual ministers of the day they had been encouraged and goaded to persevere in urging their claims, but against their postponement and refusal, and the hollow plea of inexpediency. In their judgment, these had recurred.

On the 13th of December 1806, the new Parliament met, and was opened by commission. The Chancellor read the King's speech, which did not contain a syllable, that could be tortured into any application to Ireland. The opening and failure of the negociation with France, and the general state of the Continent constituted the greatest part of it. As usual, it lamented the weight of taxes necessary to meet the difficulties of the times, and recommended economy in their application. If Ireland could conceive herself specially alluded to in the general peroration, it will as far as it can fairly apply to the then existing state of that country, be found in parts of it to contain the direct reverse of truth and fairness. "The long series of misfortunes, which has afflicted the Continent of

Meeting of
the new
Parliament,
and King's
speech.

1806.

“ Europe, could not fail to affect, in some degree, many important interests of this country. But under every successive difficulty, his Majesty has had the satisfaction of witnessing an increasing energy and firmness on the part of his people, whose uniform and determined resistance has been no less advantageous than honourable to themselves, and has exhibited the most striking example to the surrounding nations. The unconquerable valour and discipline of his Majesty’s fleets and armies continue to be displayed with undiminished lustre; the great sources of our prosperity and strength are unimpaired; nor has the British nation been at any time more united in sentiment and action, or more determined to maintain inviolate the independence of the empire, and the dignity of the national character. With these advantages, and with an humble reliance on the protection of the divine Providence, his Majesty is prepared to meet the exigencies of this great crisis, assured of receiving the fullest support from the wisdom of your deliberations, and from the tried affection, loyalty and public spirit of his brave people.”

Private
communications with
the Catholics.

Every measure of state, which related to the continent, or affected the prosecution of the war, as formally excluded Ireland from being committed or interested in it, as if no part of the sinews or supplies of warfare were furnished from that country. The death of Mr. Fox, and the consequent decay of public confidence in the ministry, the

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total failure of the negociation for peace, and the increased urgency for recruiting the army and the navy, incalculably enhanced the consequence of Ireland in the eyes of the government, who knew more of that inexhaustible hive of war than they were willing to proclaim. It would be puerile to affect to negative the simple averment, that the Irish Catholics are the Irish nation. Whatever, therefore, affects that body in general, becomes a national object. Mr. Ponsonby was indefatigable in his interviews with the different Catholics; whom he saw separately, to keep the grand question at rest. The various results of these several interviews will probably never be known, and it is even unimportant to the public, that they ever should be. The open conduct, however, of the Irish Catholics, in the intermediate time, affords a strong lesson to the Irish government (this is not a history of other governments) upon the effects of the *governors* deceiving the *governed*. For ten months had they been glutted with cold official comments upon season and expediency. They had seen the new ministry, since the death of Mr. Fox and the unsuccessful termination of Lord Lauderdale's mission to France, make a bold appeal to the public upon the whole of their conduct, by dissolving a parliament, in which they had never wanted a majority; they consequently considered them as firmly settled in their places, as that term can import the probable duration of a British ministry embodying the weight of talent and influence of the country!

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Still was the call for quiescent confidence the louder. That necessarily created suspicion; for it was left to them to draw the inference, that the measure, which Mr. Pitt (according to their doctrine *when out of place*) might have carried *when in power*, they were either unable or unwilling to carry *when in power* themselves. The Catholics became then more generally disposed than ever, to act up to the kind and sincere advice they had formerly received from Lord Grenville, to petition session after session, till their prayer should be granted. As government had frequent communications with detached persons and parties of Catholics, so did those Catholics hold frequent conferences with one another, in which they compared and coolly commented upon the nature and effects of their separate communications. The general result was little short of unanimity to bring their claims before that Parliament, of which their friends then in power were supposed to command the confidence. The widest range of prospective politics offered not a more favourable opportunity of bringing them under the consideration of the legislature.

Catholic
meetings.

At a general meeting of the Catholics, on the 7th of January, 1807, at the Cock Tavern, Henry-street, Lord French having been called to the chair, it was Resolved, That the undersigned be summoned by the Secretary to attend a meeting of Roman Catholic gentlemen, to be holden at the Star and Garter, on Monday the 12th inst. The intended list alluded to in the resolution could not be produced at that meeting, from the irregularity

of individuals not answering the notices sent to them. Nor could the list of persons chosen by ballot to assist the gentlemen elected by the householders of their respective parishes, in 1806, be obtained by the secretary in time. Thus the secretary was unable to fulfil the intentions of the meeting. Other gentlemen, who had been present at former meetings issued summonses, and the secretary was directed to write to the Catholic peers, to request their attendance, and to make it known as much as possible, that the attendance of as many country gentlemen as possible was desired, in order that every means should be exerted to reconcile all parties, and prevent further divisions of the body. The gentlemen, who were chosen by the different parishes on this occasion, waived the idea of delegation, which evinced on their parts a wish to meet their fellow-subjects in the manner best calculated to insure union and harmony; and to embody on this occasion the rank, talent, respectability and popularity of the Catholic body. These were the sentiments expressed at the meeting, and which regulated the contents of the letter addressed by the Secretary to the Earl of Fingall, Viscounts Gormanstown and Southwell, and Sir Edward Bellew, Bart. which were dispatched to them on Saturday, the 10th inst. On Monday, the 12th, answers to those letters were received, lamenting, that previous pre-engagements prevented their attendance on that day. These letters contained a full return of the compliment, and the strongest impressions

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of hopes for the union and harmony they felt in common with all their fellow Catholics. On that day (12th January, 1807) a numerous Catholic meeting at the Star and Garter, Essex-street, took place, when John Keogh, Esq. having been called to the chair, it was resolved, "That this appears to us a proper period to present a petition to Parliament, on the part of the Roman Catholic inhabitants of this city, and that five persons be now chosen by ballot by this present meeting, to wait upon the secretary of the Irish government, to know, whether it be the intention of his Majesty's ministers to support a bill this present session of Parliament, for the relief of the Catholic body." Upon a ballot the following gentlemen were chosen: Lord French, John Keogh, William Murphy, Matthew O'Connor, and John Lube, Esqrs. They then resolved, "That the five persons appointed by ballot should wait upon the Secretary, as speedily as possible, and that this meeting do adjourn to Saturday the 17th inst. to receive the report. Several gentlemen having expressed their wishes, that the Peers and Sir E. Bellew should attend at the next meeting, letters were addressed to them by the Secretary accordingly.

More Catholic meetings.

On Saturday, the 17th of January, 1807, another Catholic meeting was holden at the Star and Garter, Essex-street, when John Ignatius Burke Esq. was called to the chair. John Keogh and Matthew O'Connor, Esqrs. having separately reported their interviews with Mr. Secretary Elliott

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the meeting came to the following resolutions :
“ That we feel the sincerest satisfaction in the manner, which our deputation have conducted themselves in their interviews with Mr. Elliott.”
At that meeting, the Secretary was specially instructed to write to the peers, urging their attendance in the most pressing manner, as well as the country gentlemen at the next general meeting, as nothing decisive had yet taken place ; their attendance was most desirable in the discussion of a measure, that involved the interest of all. For, although the resolutions of the meetings in Dublin were only on the part of the city, yet it was generally the case, that the capital mostly influenced the conduct of the different parts of Ireland. Letters were accordingly dispatched to them on that day.

On Saturday, the 24th of January, 1807, a Catholic meeting was convened at the Star and Garter, Essex-street, when it was resolved : 1. “ That a petition to Parliament, on behalf of the Catholics of Dublin, be prepared and laid before our next meeting, to be held on Saturday the 7th of February next. 2. That twenty-one persons be appointed as a committee to prepare such petition. 3. That our Secretary be instructed to give immediate notice of our next meeting, on the 7th of February, to the absent noblemen and country gentlemen, and to assure them, that their attendance will give general satisfaction. 4. That Mr. Dillon, Mr. Plunket and Mr. O’Gorman be authorized to wait on such noblemen and country gen-

Resolution
to petition
Parliament,
that session.

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gentlemen as are in town, to make known to them the desire of that meeting to promise unanimity and their desire to have their assistance on the 7th of February, for that great object to the Catholics of Ireland. 5. That the Committee appointed in pursuance of the foregoing resolution, be also empowered to communicate to the principal Roman Catholic gentlemen of the different counties of Ireland, the proceedings of this meeting on the subject of a petition.*

* It has latterly been a prevailing fashion with several Protestants as well as Catholics to inveigh against the intemperance and rashness of Mr. Keogh's speech at this meeting: even to consider it calculated to agitate, and strongly impregnated with sedition. An anonymous (and very able) writer, announcing himself a Protestant barrister, has gone (as it appears to the author) the unwarrantable and unfounded lengths of saying, (p. 61), "that Mr. Keogh's speech at the Catholic meeting justly excited the indignation of the majority of the Irish Catholics: and if the Irish executive had soberly considered the circumstances, in which that gentleman stood, and the degree of political reputation he enjoyed amongst his brethren since the year 1798, they surely would never have regarded him as the spokesman of the Irish Catholics; yet Mr. Ponsonby, I understand, visited and confidentially consulted with this gentleman." A strong mark of Mr. Ponsonby's discretion: and a powerful presumption, that if he failed in satisfying the Catholic mind, it was not from ignorance of what would answer their expectations. It becomes an historical duty once more, to repeat, that the confidence of the great body of Catholics in Mr. Keogh, their trusty, powerful and successful friend and guardian was not then abated: that his own zeal for the cause had not been weakened by age, cooled by public or private solicitation, or extinguished by failure or resistance. That undaunted manliness, which had, in 1793, forced from the stubborn subtilty of the wily Pitt those valuable rights, which the addressers

On the 7th of February, according to adjournment, the Catholics met at the Star and Garter, ^{1807.} Further resolutions to petition, of the Catholics at large. had cringingly thrown under his feet, still invigorated the veteran, and roused him into action against official shifts and insincerity. We follow not the anonymous barrister, in attributing the opposition, (as he does p. 20), to *the cold-blooded, temporizing, timid, left handed policy of Mr. Ponsonby*. It is an undoubted fact, that at the meeting of the 24th of January, 1807, the real, genuine feeling of the bulk of the Catholic body at that time, was strongly expressed, and that it lasted till the meeting of the 7th of the ensuing February, over which Lord Fingall presided, because that speech of Mr. Keogh was published by the special des re of that last meeting. It is submitted to the reader, to speak for itself. It certainly throws strong light upon the mysterious movements of the government at that intricate and important crisis, and is an illustrative document of the times it refers to.

“ Before I enter into the business of the day, it may be well to satisfy this meeting and the public, that there is no manner of foundation for a report so industriously circulated, that the Deputation appointed by the Catholics of Dublin, to wait upon the Irish government, had been treated with insult.

Your deputies had three interviews with the Secretary, Mr. Elliott: at two of which the Chancellor was present. I do not know any man in society, whose manners are more remote from insult or disrespect than those of Mr. Elliott: that gentleman was remarkably polite and attentive to your deputies.

Of the Chancellor it must be unnecessary to speak. Born and spending his whole life in the midst of us, he is personally known to many of the gentlemen present. His character is known to all. He is incapable of any action unbecoming his high birth, polished manners, and his superior and elevated mind. Whether the Catholics are relieved, or their shackles continued, I am persuaded neither the Chancellor nor Mr. Elliott will ever treat with insult or disrespect any deputation from the Catholics of Dublin.

It is true, they held out no comfort: no assurance, that the British minister intended to bring forward any bill for our relief;

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Essex-street. When the Earl of Fingall was called to the chair, they resolved, " That this meeting,

yet I am persuaded, those gentlemen sincerely wish the repeal of these laws, which disqualify the Catholics; because they know the state of this country, and that such repeal, beyond all other measures, is essential to the Empire and to the Throne. But the Irish government must be, in a certain degree, the organ of the British cabinet.

We are now to consider, whether the Catholics of Dublin ought to petition Parliament for relief. Your determination may decide the fate of the Catholics of this day, and that of their posterity; but whatever you resolve upon will be liable to censure. If you petition, you will be arraigned as rash; if you decline it, you will be deemed pusillanimous. Strong objections, I own, may be urged against either decision. In a choice of difficulties, I thought it unworthy to shrink from this question; and therefore, ill as I am in health, I have come among you to take my full share of the responsibility or odium of it: if odium shall hereafter be attached to your decision.

Should I be so unfortunate this day, as to propose a resolution, which may prove injurious to the Catholics, I trust I may expect some indulgence from my fellow-sufferers, for whose interests I have taken an active part for the last twenty years. When they reflect, in that period I never supported one measure, which the Catholics had cause to regret, nor one, which had not finally a considerable degree of success.

I have given this question all the consideration I am capable of, and before I sit down, I will propose a resolution, " that a petition to the Imperial Parliament, on behalf of the Catholics of Dublin, be prepared, and submitted to our next meeting on this day fortnight."

To enable us to judge dispassionately of this measure, I will state fairly the strong objections urged against our Petition: and by those, who affect to be friends to the present government.

They assert, that the majority of the cabinet are avowed friends to the question; but that it will embarrass them, if now brought before Parliament. That they expect our silence, and to

at it's rising, do adjourn to Monday, the 9th inst. and then will join the meeting of the Catholics of

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leave them to choose the time, when they can accomplish our object. They add, that if Ministers oppose us, they will forfeit their character; and if they support us, they may lose their places; and our late persecutors come into power.

Others, deeper politicians, assert, that they will give us their individual votes, but not their influence; and of course we shall be defeated; and then, it is said, they will retain their power. It is insinuated, that Ministers may, in resentment, indulge the Opposition with another specimen of martial law, free quarters and the torture; and that the Catholics may avoid those evils, and keep the friendship of Ministers, by postponing their petition.

I will now submit my reasons, why Ministers should not be suspected to descend to this line of conduct. They are allowed to be men of high honor, and of great abilities; in 1805, they proved in Parliament and to the empire the folly and wickedness of continuing laws, which must discontent or disaffect four or five millions of brave and faithful subjects. They urged the repeal, as essential to the strength of the Empire, and the security of the Throne; that all subjects should have an equal interest to perpetuate both, or die in their defence. They proved, that the Empire was menaced by a powerful enemy, and therefore, the moment of uniting all subjects, should not be delayed. Their own arguments have now ten-fold strength, by the unprecedented success of the enemy from that period to the present day.

I can never believe, that such men as compose the present Ministry will give up all claim to character and public confidence, by deserting their own principles, solemnly and publicly pledged; still less can I believe, they will descend to the greater meanness or duplicity of defeating us by an evasive or hollow support, such as Mr. Pitt gave the African slaves. An open opposition would be more manly, and less disgraceful. Those of the opposition, who are enemies to our relief, yet even they would ever keep the people of England reminded of such a breach of faith and of consistency. They might charge them with having

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Ireland, to be held at D'Arcy's tavern in Earl-street;" which met accordingly; and again una-

agitated Great Britain and Ireland in 1805, at the moment of a threatened invasion, and that only, for the purposes of party; to harrass or remove Mr. Pitt, or obtain power for themselves; for if they were sincere in what they then asserted, why not support the question now, with all the influence of government, when the power of the enemy is much more formidable than in 1805? But the ministers themselves, on discovering the want of truth and consistency in their own colleagues, must suspect each other in every future engagement, and each must dread, that he may be deceived in turn. Principles of deception, once detected, can never have the confidence of any party, or of the nation; such a ministry could not stand. Should ministers be dismissed for consistency, they will retire with honor, and will be reinstated; but by tergiversation, places and honor will be forfeited, never to be recovered.

These are my reasons for not believing those pre'tended friends to ministers are justified, by imputing to ministers an intention of an open opposition to our claims, or an insidious and dishonorable, hollow support. On the contrary, I rely upon their character and on their good sense, for supporting us with their whole influence; they avow themselves our friends. The late administration are spoken of as our enemies; yet let us not conceal nor forget, that a long and dreadful list of penalties and disqualifications were removed under the administration of Mr Pitt and Lord Melville; not a single disqualification is as yet removed by our friends, the present ministers. They indeed volunteer to defend the liberties of Germany, and the Blacks of Africa: but as yet, they are silent as to our suffering millions!

An unnatural system of government, unprecedented in any part of Europe, has been persisted in, in this unhappy country. The vast majority of our population proscribed or degraded, feuds and parties encouraged, a set of petty tyrants have been generated, to whose relentless fury the people were exposed. This faction was reprobated by many of those, who are now in power. In consequence, they dread, that their tyranny will be

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nimously called the Earl of Fingall to the chair, and came to the following resolutions: " 1. That

put down and suppressed for ever, and they are eager to join any factious outcry to overthrow the ministers. It is their boast, that even the ministers are afraid to put them down. I hope they may find government more firm and consistent, than they expect. Half measures are the ruin of all, who adopt them.

Our history for the last forty years exhibits a series of cruelty and persecution on one side, and of illegal attempts to obtain redress on the other. Hence, Whiteboys, Hearts of Steel, Defenders, Orangemen, United Irishmen, and lately the Threshers. Do not these demonstrate, that the people think themselves oppressed, that they have been in a political fever; they feel their pain, and turn from side to side in hope of relief, but in vain: no relief has yet been found, whilst the laws themselves produce the tyranny; and if the law be the oppressor, there cannot be a greater.

In every walk of life we are reminded of our want of protection, and of our degradation: our opulent merchants shut out from the Bank, our traders from corporations, our persecutors not unfrequently sub sheriffs, selecting juries of their own principles to decide on our properties, and even on our lives; it is from this deplorable state we apply for relief. Would any of the great religious sects in England be content, were they in a similar state of oppression? Would those of the Established Church? or the Methodists? or Evangelists? Would the Presbyterians of Scotland be content, if a handful of men seized their lands, burned their houses, banished multitudes by mere force, without pretended crime, or trial, or form of law, and were told, that all this was loyalty. If their country were attacked, would the gallant men of Scotland risque their lives in defence of such a system of petty tyranny? We do not complain of the prerogative or power of the crown. An absolute government might mend our condition. Our grievance is, that many men, beneath us in birth, education, morals and fortune, are allowed to trample upon us.

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it is a fit and proper time to present a petition to Parliament on behalf of the Catholics of Ireland.

Yet the Catholics have submitted, do submit, and will submit; and confide for relief on our humble and constitutional petition to Parliament.

It has been confidently asserted in England that the Irish Catholics enjoy protection equally with every other class of subjects, in their characters, properties, and lives. Whether civil rights were ever secure to the people of any country, who were divested of political power, would, I believe, be difficult to prove; but our destructive parties have put it beyond all question; for so long as we shall be excluded from every share of political power, we cannot be secured in our civil rights.

Your deputies represented to the secretary, that men, such as those, who compose this meeting, who have their homes, fortunes, servants, carriages, comforts, and luxuries of life, were not in any country, the promoters of disturbance. The men of property government may depend on; but they are the few; their physical strength is as nothing, unless followed by the population. Our object is to attach that population, by interest and by affection, to the throne and the Empire; and we are bold to say, THAT SINGLE MEASURE WILL RENDER THE EMPIRE INVINCIBLE.

Is the throne benefited by our being oppressed by an Irish junto? Certainly not. Does any one individual in Great Britain derive a benefit? No; not one. Both the throne and people of England are materially injured.

What then is our crime! Let the world listen with astonishment to British philosophy and liberality. Our forefathers embraced christianity in the fifth century; the creed, which they received, we adhere to; that is our crime! Yet this is the same creed, which the great Alfred held; the best and greatest Prince, that ever adorned the throne of England. It was the creed of the Edwards and Henrys, who humbled and conquered France; and it is the creed we profess.

The Catholics seek no diminution of taxes; they cheerfully contribute their full quota to the exigencies of the state; they do not solicit for any peculiar privilege. The extent of our suppli-

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2. That the twenty-one gentlemen, who have already met to prepare a petition, be now appointed

cation is to be governed, punished, or protected, by the same laws with every other class of his Majesty's subjects.

—We entreat, that privileges may hereafter be granted to loyalty and heroism, not to creeds; that all may have equal interest to perpetuate the constitution, or to die in its defence.

Shameful falsehoods to our disadvantage are propagated; witness Sir Richard Musgrave's fabrications and reveries imposed on England as gospel truths.

Our services are passed unnoticed or smothered; no minister or ministerial print proclaims how greatly we encrease the armies; how our numbers crowd all his Majesty's fleets; that under our gallant and beloved countryman, Lord Hutchinson, our brethren had a distinguished share in the conquest of Egypt; that we furnished our full proportion of the heroes of Trafalgar and Calabria; and we now offer to shed our last drop of blood in defence of the throne and empire.

And do these services merit degradation? Are the heroes of Egypt, Calabria, Trafalgar, and their posterity yet unborn to be proscribed? It cannot be.

If Mr. Pitt were now in power, how justly would the present ministers reprobate this dangerous infatuation, as hazarding the ruin of the empire entrusted to his care. They might call on Parliament to turn their thoughts to the Continent, and to reflect, that when Bonaparte returned from Egypt, he found France torn piecemeal by factions. La Vendee was then exposed to martial law, free quarters, and the torture; ready to join the invader, and shake off their tyrants. He suppressed the factions, protected the rights of conscience to all sects, put an end to persecution; and the insurgents of La Vendee are become attached to the government, that protects them. From thence to Geneva, from Holland to Saxony, through all the confederated kingdoms and states of Germany, persecution and disqualification on account of creeds, are abolished. The sect, which was oppressed under the old system, whether Lutheran, Catholic, or Calvinist, is now every where raised to equal privileges with their fellow-

1807.

of the Committee to prepare a petition for the Catholics of Ireland. 3. That the Catholic peers be of the Committee, and that the meeting do nominate twenty-one gentlemen to assist in preparing the petition, and that a list of their names be returned to the Secretary, that they may be summoned as speedily as possible. 4. That the Baronets do also form a part of the Committee. 5. That this meeting do at it's rising adjourn to

subjects ; no sect is proscribed, or shut out from his councils, senates, or armies. Thus this meteor flies over Europe, and by rescuing men from the effects of ancient bigotry and intolerance, as much as by his arms, he promotes or secures his astonishing and alarming conquests.

If there were no law now in force to disqualify Catholics on account of their religious creed, if all sects were now equally eligible to the privileges of the constitution, and that loyalty, not modes of faith, were the criterion of merit, and that it were now proposed in Parliament to enact laws to disqualify four millions of Catholics, and their posterity for ever ; how would such a proposal be reprobated in Parliament ? Would it not be said, that a law to disqualify, was a law to discontent, or to disaffect the party disgraced ? That the united zeal and valour of every subject, would be necessary to repel the mighty force of our formidable enemy ; but to give substantial cause for discontent to four millions of brave and hardy subjects, was worse than frenzy ; that it bespoke venality, and if any wretch was base enough to wish to see these united countries become provinces to France, such must be his plan to accomplish it, such a measure must be the utmost wish of Talleyrand and of Bonaparte, who dread, that Catholic Emancipation should unite the empire, and render it invincible ; but to make, or to continue a law, to expel four millions and their posterity from the constitution, will gratify every traitor to his King, to his illustrious heir, and to the empire.

Tuesday, the 17th inst. then to receive the petition from the Committee. Some other resolutions were passed concerning the internal management of the Committee, and of thanks to their chairman. The following is a list of the Committee, which recent events have rendered the knowledge of particularly interesting to the nation.

1307.

Bellew, Christ. Dillon	M'Donnell, Randall
Burke, John Ignatius	Mansfield, John
Bryan, George	Murphy, William
Baggot, Gerard Wm.	Nangle, James
Byrne, Mark	O'Connell, Daniel
Caddell, Richard	O'Connor, Martin
Corbally, Elias	O'Connor, Owen
Cruise, Francis	O'Gorman, Purcell
Dillon, Thomas	O'Shea, John
Donnellan, Malachy	O'Reilly, Dominick
Dromgoole, Thos. M.D.	Plunkett, Luke
Fallon, John	Rice, Dominick
Farrell, James	Roche, Philip
Hamill, Hugh	Ryan, Charles
Hussey, Peter Bodkin	Ryan, Thomas
Keogh, John	Sheil, Edmund
Keogh, Michael	Sheridan Edward, M.D.
Lube, John	Strange Richard
Lynch, Martin French	Taafe, Henry
Magan, Francis	Wyse, Thomas
Mahon, Nicholas	Hay, Edward, Secretary.

At an adjourned meeting of the Catholics of Ireland, holden at the Rotunda, on Tuesday, the 17th of February, 1807, the Earl of Fingall having

Catholic resolutions for petitioning Parliament.

1807.

been called to the chair, it was resolved, “ 1. “ That the petition now read be adopted, subject “ to the revision of our Committee. 2. That the “ petition in it’s revised state be laid before us at “ our next adjourned meeting this day week. 3. “ That said petition be presented to Parliament “ this session. 4. That this meeting, at it’s rising, “ do adjourn to Tuesday, the 24th inst. 5. That “ the cordial thanks of the Catholics of Ireland “ are due to Lord Fingall for his conduct this “ day in the chair, and for his constant services in “ the Catholic cause.” The Committee met on the 18th, when a sub-Committee was appointed, which reported progress to the Committee, that met on the 21st, 23d and 24th, when the petition was finally agreed to, and ordered to be reported to the general meeting. At an adjourned meeting of the Catholics of Ireland, at the Rotunda, on the 24th of February, 1807, the Earl of Fingall in the chair, they came to the following resolutions. “ 1. That the petition adopted by our last “ meeting, and referred to the Committee for re- “ vision, do stand, as amended, the petition of “ the Catholics of Ireland. 2d. That this meet- “ ing do now appoint the Earl of Fingall to re- “ quest the Right Hon. Henry Grattan to present “ this our * petition to Parliament during the pre- “ sent session. 3. That this meeting do authorize

* For the satisfaction of the reader, the form of that petition is subjoined. It will be remembered, that it was framed under the conviction of the friends to the Catholic cause being in power, when it would be presented.

“ the present Committee to continue until the
“ event of our petition be ascertained, and then to

1807.

“ PETITION.

“ To the Right Hon. and Hon. the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

“ The humble petition of the Roman Catholics of Ireland, whose names are hereunto subscribed, on behalf of themselves, and of others, his Majesty’s subjects professing the Roman Catholic religion.

“ SHEWETH.

“ That your Petitioners, as is set forth in their humble petition presented to this honorable House, on the 25th of March, 1805, are by divers Statutes, still of force within this realm, rendered liable to many incapacities and restrictions, not imposed upon any other description of his Majesty’s subjects.

“ That your petitioners with confidence assert, and they are supported by the testimony of many of the ablest senators and wisest statesmen, which the empire could ever boast, that there is nothing in their conduct as subjects, or tenets as Christians, which ought to disqualify them from enjoying equal privileges with his Majesty’s other subjects ; and they beg leave to state, that they do not yield to any class of persons, in affectionate attachment to his sacred person and family, in due obedience to the laws, and in just predilection for the British constitution.

“ That at the present period, which requires all the energies of the state, and the exertions of an united people ; your petitioners conceive that they cannot offer a stronger proof of their loyalty, than by humbly representing to this honourable House, their earnest wish to be altogether COMMITTED WITH THEIR COUNTRY, and reinstated in a full and complete enjoyment of the English government and laws:

“ For your petitioners beg leave respectfully to submit to this honourable House, that the constitution of England is the great charter of this land, and the inheritance of the dutiful and faithful subjects of his Majesty ; the condition, which the ancestors of some of us accepted, when they submitted to the Crown, and on

1807.

“ cease. 4th. That the Committee be instructed
 “ to appoint proper persons in the several counties

the faith of which, the ancestors of others passed over, and effected their settlement in Ireland, was, that they should participate in the laws and liberties of England; many concessions of his Majesty's Royal progenitors, and repeated acts of Parliament confirmed the invaluable blessing; it has had the sanction of an establishment of six hundred years; whilst the privations, of which we complain, are but the innovation of a century; from that innovation we appeal in this enlightened age, to the wisdom and justice of those august bodies, in whose hands are the fate and fortunes of the empire. We appeal against acts, repugnant to the SENSE and HABITS of ENGLISHMEN, and to the genius of the English constitution; against precedents, not entitled from the circumstances, in which they were formed, to be immortal. We were excluded from our franchises, when the tumult of civil wars had scarcely been appeased; whilst the animosities they produced were recent; and at the close of the convulsion incidental to a widely extended revolution of property. We were excluded at a moment, when the settlement was precarious and new, upon which time and habit, the extinction of all other claims, common principles of obedience, and common interests have now conferred all the solidity of unquestioned and immutable establishment.

“ Your petitioners further beg leave to recall to the attention of this honourable House, that we do not pay the penalty, neither is the blame imputed to us, of an innovating or capricious temper. We have not revolted from any institutions, which challenged our obedience. We have adhered to the tradition of our fathers, the immemorial usage of the land. We profess a religion compatible with the form of government, under which we are placed; accommodated to the spirit, and dear to the feelings of the great and growing majority of our country; a religion, which the existing incapacities do not seem calculated, and are probably not expected to suppress; for it has been deemed, in a considerable degree, to merit public encouragement and protection,

“ cities and towns in Ireland, to obtain signatures
“ to the petition of the Catholics of Ireland, and

1807.

“ Your petitioners do then most humbly state, that they are excluded from many of the most important offices of trust, power and emolument in their country ; whereby they are degraded below the condition of their fellow subjects, even of the meanest class, and stigmatized as aliens and strangers in their native land.

“ That in the immediate effects of this exclusion, not less than four-fifths of the inhabitants of Ireland are involved, formed into a distinct people, and depressed in all their classes and gradations of rank, of opulence and industry ; in every situation of life does this degrading inferiority exist, and its influence reaching to every profession, to even the peaceable pursuits of industry and commerce.

“ That the remote, but not less sensible consequences extend to the remaining population of the land, distracting his Majesty’s people with inquietude and jealousy ; and substituting an insidious system of monopoly on the one hand, and privation on the other, for the tried and established orders of society, and for the salutary practice and sound principle of the English constitution.

“ And your petitioners further humbly submit, that from the prejudice generated and fostered by this discriminating system ; the spirit of the laws outstripping the letter, no degree of rank, virtue or merit, can exempt an Irish Catholic from being considered an object of suspicion ; and several of the most estimable privileges and advantages of a free government, to which they ought to consider themselves entitled, are rendered, with respect to them, inoperative.

“ In calling your attention to their situation, your petitioners beg leave to assure this honorable House, that they are actuated more as Irishmen, than as Catholics ; and less influenced by a partial interest, as a religious description, than by an interest truly public and national, intimately connected with the welfare of this country, and the prosperity of the whole empire ; your petitioners being fully convinced, both from history and experience

1807.

“ to receive subscriptions to defray the expences attending the same. At another meeting of the Ca-

that however religious distinction may have supplied a pretext, a spirit of political monopoly has been the actuating principle of civil dissension, and of that unhappy national misunderstanding, which has so long injured the character and lessened the value of this island.

“ For your petitioners are strongly impressed with the conviction, that the continuance of the disqualifying laws is not only incompatible with the freedom and happiness of the great body of the Irish people, and detrimental to the resources of the state : but, as it is calculated to damp the ardor and divert the attention of the nation to partial interests and party dissensions, from measures of general security, may eventually prove injurious to the strength and stability of the empire.

“ Your petitioners, with a deep sense of gratitude, acknowledge, that they are indebted to the wisdom and liberality of the Parliament of Ireland, and to the paternal interposition of his Majesty, for the removal of many of the disabilities and incapacities, under which they laboured ; and they refer with confidence, in the justice of their cause, to the solemn and memorable declaration of the Irish legislature : “ That from the uniform and peaceable behaviour of the ROMAN CATHOLICS of Ireland for a long series “ of years, it appeared reasonable and expedient to relax the “ disabilities and incapacities, under which they labour, and that “ it must tend not only to the cultivation and improvement of “ this kingdom but to the prosperity and strength of all his Majesty’s dominions, that his Majesty’s subjects of all denominations should enjoy the blessings of a free constitution, and “ should be bound to each other by mutual interest and mutual “ affection.” And your petitioners most solemnly declare, that they do not seek or wish in any way to injure or encroach upon the rights, privileges, possessions or revenues appertaining to the bishops and clergy of the Protestant religion as by law established, or to the churches committed to their charge, or to any of them : the extent of their humble supplication being, that they may be governed by the same laws, and rendered capable of

1807.

tholic Committee, at the Star and Garter, Essex-street,, on the 25th of February, 1807, the Earl of Fingall being in the chair; it was resolved: "That in pursuance of the resolution of the general meeting of the Catholics of Ireland, holden on the 24th inst. the secretary should transmit copies of the petition to the undernamed persons for the purpose of obtaining signatures thereto, and receiving subscriptions to defray the expences of it, and also, that it appeared to the Committee highly desirable to have the signatures of the Catholic bishops and clergy to the petition, and that the Secretary should wait on the Most Rev. Doctor Troy, and acquaint him with that resolution." The Catholic Committee met again on the 26th of February, 1807, the Earl of Fingall in the chair, and settled the form of a letter to be written by their Secretary to the several gentlemen concerned, in the different counties, and on the next day, the 27th of February, 1807, that form was adopted.*

the same civil offices, franchises, rewards and honours, as their fellow subjects of every other religious denomination.

May it therefore please this honorable House to take into its consideration the statutes, penal and restrictive, now affecting the Catholics of Ireland, and to admit them to the full enjoyment of those privileges, which every Briton regards as his best inheritance: and which your petitioners most humbly presume to seek, as the brethren of Englishmen and coheirs of the constitution.

"And your petitioners will ever pray, &c.

* The following is the form of that circular letter:

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Conduct of
the minis-
ters and the
opposition.

Twelve months had elapsed, since the coalesced ministry had been in power : and although Ireland

" SIR,

" Under the direction of the Catholic Committee, I herewith send you the resolutions passed at the last general meeting in Dublin ; from these resolutions you will perceive, that it has been determined to obtain signatures for the petition in every part of Ireland. This has been done under the persuasion, that nothing can contribute more essentially to the success of the present application to Parliament, than by shewing, that the concurrent and universal wish of the Catholic body goes with it ; and however self-evident this may be, yet there is no way, by which it can be demonstrated so well, as by the number and respectability of the signatures.

" At the desire of the Committee, to whom it has been given in charge to nominate gentlemen in the counties, for the purposes expressed in the resolutions, I have most earnestly to request your co-operation and assistance. Of your zeal and activity they cannot doubt, feeling, as you must, in common with them, the magnitude and importance of the object to be attained. They do not undertake to suggest any plan to you, or the gentlemen, with whom you may act ; as, on this occasion, you must be governed by your local knowledge, and the circumstances, in which you are placed ; but they beg leave to intimate, that the signatures should be obtained as speedily as possible, for they have just learned, that the present session of Parliament will come to a close much sooner, than they expected.

" I have nothing to add, but to assure you of the esteem with which

" I am, Sir,

" Your most obedient humble servant,

" EDWARD HAY."

" *Dublin, 4, Capel-street, March 6th, 1807.*

" P. S. Through the apprehension, that the petition might, by some mischance, find its way into the public prints, a thing, that would be highly indecorous and embarrassing, no more than a

1807.

were little satisfied with their exertions in her favor, she was however deeply indebted to them for the general restoration to her civil liberty, by permitting the suspension of the *habeas corpus* act to run out. The Irish were not sufficiently sensible of the benefit of being no longer at the mercy or caprice of ministers and their corrupt underlings, as they had unfortunately been for a period of 12 melancholy years. But the inefficient or mock revision of the magistracy, and the laboured efforts to keep the great question of emancipation unconditionally at rest, left more soreness and suspicion upon the Catholic body, than the revival of the *habeas corpus* act infused joy and confidence. Upon the empire at large the ministers had the merit of having conferred great benefit, by the reform of official abuses in the management of the public money, and the abolition of the unchristian traffic for enslaving human beings. Each of these acts tended in a certain degree to weaken the system. It's abettors were therefore proportionably assiduous in counteracting them. The secret passages to the back of the throne were daily thronged by those, who had the *pass word* or private key. They vied with each other in representing the servants of the crown, as destroying the constitution and usurping the royal rights, and were therefore to be shunned and abhorred by a patriot King. They pressed upon the royal mind the most pernicious

few copies have been sent to the different counties. In your county they are in the hands of the following gentlemen, to whom I beg leave to refer you."

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jealousy of every independent adviser of the crown : and unequivocally urged, that if his Majesty continued to give ear to any counsellor of Whig principles, he would soon want a throne to sit upon, and a Protestant church to head. The highest disgust and diffidence in the Whig part of the administration was most industriously transfused through every avenue of the interior cabinet, and the ingenuity of every servitor was put on the stretch to devise the most plausible pretext for supplanting and expelling those obtrusive ministers. If the King's friends could not discover, they must create the means of debarrassing his Majesty from the degrading mortification of being importuned, dictated to, and controuled by men, whom he mistrusted, feared, and loathed. Henceforward activity and craft in discrediting and dislodging the Whig ministers, ensured grace, favor, and promotion amongst the *King's friends*.

The Newry
magistrates
prosecute
Mr. O'Han-
lon for a li-
bel.

The spirit of a government is generally read in the acts of those, who advise and direct the executive. From the Chancellor's conduct to Mr. Wilson the Tyrone magistrate, it appears to have been inferred by a large body of the northern magistrates, not only that opposition to abuses would not be encouraged, but that the censure of them would be actually punished. In this assurance a rule had been obtained in the Court of King's Bench, in the cause of *The King v. O'Hanlon*, to shew cause, why a criminal information should not be granted against Patrick O'Hanlon, Esq. a magistrate of the county of Armagh and Down, on

1807.

the application of certain magistrates of the town and vicinity of Newry, viz. John Ogle, Thomas Waring, William Pollock, Robert M'Can, Trevor Corry, Robert Thompson, George Atkinson, William Beath, and Charles Courtney, Esqrs. for a libel, grounded on his having published in the newspapers an address presented by him from the Roman Catholics of Newry to his Grace the Duke of Bedford, on the affidavit of William Pollock, Robert M'Can, Smithson Corry, Esqrs. and James Bell, gentleman. These affidavits set forth the address.

“ To his Grace John Duke of Bedford, Lord Lieutenant General and General Governor of Ireland. Catholics address the Duke of Bedford.

“ May it please your Grace,

“ We the Roman Catholics of the town and parish of Newry, beg leave to approach your Grace with an assurance of unfeigned loyalty and attachment to our most gracious Sovereign, and with sincere gratulations on your appointment to the vice-regal government of this country. We contemplate in this event, a sure pledge of that equal administration, which has been the object of our wishes, and which has appeared to be but the more removed from us, as the laws to our disqualification have been repealed. To those principles of constitutional freedom, of which your illustrious family have ever proved themselves the advocates,

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we are devotedly attached. We revere the British constitution, and we hope from an enlightened legislature, an entire participation of its franchises. We wait this consummation of our hopes. Meanwhile, under your Grace's administration, we do not fear, but we shall experience, that the relaxation of the penal laws, under which we and our forefathers have so severely suffered, shall not have been in vain. While the magistracy, the army, places of subordinate trust and profit have been made accessible to persons of our persuasion, we have seen a jealous and exclusive spirit rendering these concessions nugatory. Our poor, our industrious labourer and mechanic, have been made to suffer under the partial exercise of ill understood and ill executed local authority; and having no other medium of judging of the spirit of his Majesty's government, they have been at times led to fear it was adverse to their happiness. We bless the divine disposer of events, that an æra more auspicious opens to our country and to us. No longer shall we see power abused, to the oppression of those, for whose protection it was destined; nor shall the character of a loyal people be misrepresented by those, who seek their debasement. Under your Grace's welcome and equal rule, we shall become a united and happy people; cultivating the blessings of our genial clime and fruitful soil, and ever fostering as our best hopes, and most valuable possession, that estimable political system, our free constitution, for the preservation of which, and for the glory and independence of

the Empire, we shall consider no exertion too great, no sacrifice too dear."

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When the defendant came in to shew cause against the conditional rule, Mr. Serjeant Ball stated the affidavits for the prosecution, which set forth the publication of the address by the defendant, and denied the application to the magistrates of the town and neighbourhood of Newry, and asserted the fair and impartial administration of justice by those magistrates between every class of his Majesty's subjects. It also set forth, that they conceived the said publication as calculated to defame and degrade the administration of justice, and the magistrates of the town and neighbourhood of Newry.

Proceedings
in the King's
Bench.

He then proceeded to state the affidavit of Mr. O'Hanlon, filed in this cause last Michaelmas Term, which set forth, That the town of Newry is situated partly in the county of Armagh and partly in the county of Down. That the address alluded to; had originated in a general meeting of the Roman Catholics of the town and parish of Newry, convened for the purpose of addressing his Grace the Duke of Bedford on his appointment to the government of this country; and was prepared by a committee of eleven persons chosen at the meeting. That the defendant, accompanied by two other gentlemen appointed for that purpose, did present the address, to which the Lord Lieutenant returned a gracious answer. That the address was once published in the Evening Herald and Hibernian Journal, and he believed in no

Affidavit of
Mr. O'Han-
lon.

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other paper, except the Dublin Gazette, in which he believed it is usual to publish addresses to the chief governor. That the Roman Catholics of the town of Newry, from their numbers, being three-fourths of the inhabitants, and from their respectability and property, are the most important body of that persuasion in any town of Ulster, and therefore assumed to speak without impropriety, in some degree for that province. That it was from these circumstances, that the said Roman Catholics judged it right and becoming in them to come forward among the first to lay at the foot of the throne a representation of grievances, which the Roman Catholics had suffered; to regret, that owing to a spirit of political monopoly, and the improper exercise of subordinate and local authority in different parts of Ireland, the relaxation of the penal law had not been attended with those benefits to the Catholics and to the community, which the legislature seems to have intended; and further to express an ardent hope and confident expectation of an equal and good government under the present administration. That the construction of the address made by the prosecutors, was unfounded. That he had no intention, nor, as he believed, had others, parties in the same address, but to represent abuses, which had been too general not to be a matter of notoriety; and disclaimed for himself and for others, parties to the address, any intention to libel or defame the magistrates of the town and parish of Newry, or to bring the administration of justice into contempt, and that the

1807.

abuses intended to be particularly alluded to, were those, which had taken place in a distant part of the county of Armagh some years since, and the affidavit set forth as evidence of the facts, the speech of the late Lord Gosford, the governor of that county, made at a meeting of the magistrates convened at that period by his Lordship, in which the sufferings of the Roman Catholics, and the supineness of the magistrates were stated. The affidavit submitted further, that the interpretation sought for by the prosecutors, could not be supported except by a forced and arbitrary construction of the words of the address. The affidavit went on to say, that he believed it to be the undoubted right of the subjects of this empire to represent to the government, with all due respect, any matter of public and general concern connected with the duties of the government, or the wants and grievances of the people. That it is usual, and, he conceived, a practice founded in expediency, for certain classes or denominations of subjects distinguished from the rest of the community, by some peculiar characteristic, to present addresses to parliament or to government, on matters of public and general concern affecting them. The defendant concluded his affidavit by stating, that though educated in the Roman Catholic persuasion, many of his nearest connections and most valued friends, were of the Protestant communion; that he had always exerted himself to promote the peace and happiness of that part of the

1807.

country, where he resides; that ever since he was capable of forming a principle of action on the subject, it had been his ardent wish to promote liberality of feeling and of conduct, between the different religious sects; that he had ever been the most forward to promote loyalty and peaceable demeanour; and that, so far from intending or wishing, by the address, to excite a spirit of sedition among the lower orders of Roman Catholics, it had ever been his most anxious endeavour to repress any such spirit.

Conduct of
the Court.

The Chief Justice expressed his surprize, that after hearing an affidavit so fully, so clearly, and so naturally explaining the motives and objects of the address complained of, and denying any intention of offence to the parties, the prosecutors should think of still persevering. That it was a subject the court wished every one, who heard them to know, they would very unwillingly entertain, but if it were pressed upon them, they must go through it to the last; that for himself, said the Chief Justice, had he been one of the party to the application, he should feel perfectly satisfied with the explanation contained in Mr. O'Hanlon's affidavit. At all events he advised the counsel for the prosecution, to postpone any further proceedings in the business for one day, as during that interval, they might see if the resentment of their clients would not cool. On the next day, Mr. Joyce addressed the court, stating, that he had had consultation with two of the magistrates, who happened to be in town, and was commission-

ed by them to say, that from the opinion their Lordships had expressed in this cause, they were determined not further to trouble the court with it.

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Early in the session Mr. Biddulph, in the true spirit of reform, made a motion for the abolition of unnecessary offices and places, on which Lord Henry Petty, after having gone largely into what had been done in England, observed, that as to Ireland, he admitted, that much still remained to be done. It would be recollected, that about three years ago, he had (though on the opposite side of the House) warmly supported a motion made by Mr. Foster, then Chancellor of the Irish Exchequer, for enquiring into the mode of collecting the revenue in Ireland. That committee was still acting in Dublin, and its reports were then lying upon the table of that House. They would see with satisfaction, that Sir John Newport had brought in a bill for abolishing no less than 38 offices reported useless. Whoever, he said, knew the Right Hon. Chancellor of the Exchequer, or the person, then at the head of the finance, or the noble Duke, who represented Majesty in that country, might rest satisfied, that all useful suggestions would be taken up by them, and effectually acted upon. His Lordship was aware, that there were considerable difficulties in breaking through the practice of granting reversions in Ireland. No reversionary grant had been made since his colleagues had been in office. They had refrained from the practice, as they had it in con-

Abolition of
useless
places.

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temptation to attempt means of putting an end to so mischievous a practice. His Lordship then detailed the new forms of proceeding, and the nature of the new warrants, under which the efficient clerks and officers in the several departments were in future required to investigate and report abuses. Beneficial as these measures of government were to the Empire at large, and galling as they were to the partakers of the spoil, yet were they slightly felt or scarcely thought of by the Irish Catholics (for after all the Catholics and the people of Ireland mean the same thing). As a body they were proscribed from participation, and consequently were indifferent, by whom the fruit was gathered. Some few exceptions of Catholic placemen were intended to negative the universality of their exclusion, which tended to confirm and perpetuate the generality of their proscription.

Additional
grant of
5000*l.* to
Maynooth
College.

On the 4th March, after Sir John Newport had obtained leave to bring in a bill for the better regulation of the collection of duties on houses, &c. in Ireland, Mr. Hobhouse brought up the report of the committee of supply. Amongst the resolutions, which were grants for the service of Ireland, one was for granting £13,000 to the Catholic College at Maynooth. Mr. Perceval, strongly as he had formerly expressed his disapprobation of that grant, felt his objections to it increase on further examination. As far as the Irish Parliament had undertaken to grant support to that college, he was willing to go; but no further. Eight thousand a year might be justly considered, as the ave-

1807.

rage amount of that pledged support. Nothing could be so desirable, as that the Roman Catholic youth of Ireland should be associated in education with the Protestants in the university of Dublin. The number of students in the Catholic college, already doubled the number in the Protestant college; and yet means for encreasing that number were demanded. He concluded by moving as an amendment, for the words £13,000, to substitute the words £8,000.

Sir John Newport adverted to the different acts of the Irish parliament before the Union, and shewed by reference to them, that the sums granted to the Catholic college had frequently exceeded £8,000, proposed by the learned gentleman. One fact would completely answer a great part of the learned gentleman's objections. There were at that moment twice as many Catholics educated at the college of Dublin, as were ever before known. It was impossible, that those, who were intended for the Romish priesthood should be educated by Protestant professors; the proposition, therefore, of the learned gentleman would go to deprive the Roman Catholic priesthood of all education whatever, as of their former means of obtaining instruction in foreign countries, circumstances had deprived them.

Sir John
Newport
answers
Mr. Perce-
val's objec-
tions.

Mr. Grattan maintained, that a Christian of any description was better, than a man of no religion at all; and he trusted, therefore, that Protestantism would never be upholden by preventing Catholics from becoming Christians. In

Mr. Grat-
tan sup-
ports the
grant.

1807.

his opinion it was infinitely better, that the Catholic clergymen should be educated at home, than in foreign countries; that they should be the pensioners of the King of England, rather than of the Emperor of France. Catholicity, politically considered, was perfectly innocent and perfectly reconcilable to the duties of a good and loyal subject. The Roman Catholic laity in Ireland amounted to three millions. Could £8,000 a year, (for such was the sum proposed by his Right Hon. Friend, exclusively of the expences of building, &c.) for the education of two or three hundred Priests, to instruct this large lot be thought too much, when, for between 6 and 700,000 Protestants, 1200 clergymen were allowed? Was it desirable to starve religion and learning, in order to save £5000 a year? Had not the committee just voted to the Protestant Charter Schools £21,000? To other Protestant establishments £20,000? To the education of Protestant foundlings £20,000? To Presbyterian schools £9,000? And would they hesitate in allowing this comparatively small sum to the Catholics? Would it not shew a marked hostility to them?

Lord Howick refers to the state of foreign education.

Lord Howick supported the grant on the large principle of connecting the Irish Catholic with the state. It was then particularly necessary to promote the domestic education of the Catholic clergy, as an institution of great extent had been formed at Paris*, at the head of which was a Dr.

* It is well known, that a principal inducement to establish the Catholic college at Maynooth, was to prevent the mischief of

Walsh, a person of considerable notoriety, with a view to re-establish the practice of Irish Catholic

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young men destined for the gospel ministry being sent abroad for that education, which the impolicy of the laws had so long prevented them from receiving in their own country. The complaint formerly was, that they brought back with them the unconstitutional principles of absolute monarchy and arbitrary government: the latter dread has been, that they would return to their native land infected with the licentious poison of modern democracy, and hostility to all establishments. The following are the documents relating to this matter, which in May 1808 were produced by General Matthew in the House of Commons in the debates on the grant to the Maynooth college. Their insertion in this note will tend more clearly to illustrate the nature of the mischief, which the ministers so prudently wished to prevent.

“ In the latter end of autumn 1806, some printed copies of an *arret* or decree, signed *Napoleon, Hugh B. Maret, Champagny*, and *Walsh, Administrateur General*, dated Milan, 28th Floreal, An. xiii. uniting the English, Irish, and Scotch Ecclesiastical Establishment, in the French dominions, under the general administration of the Reverend Doctor Walsh, late Superior of the Irish College at Paris, were sent from thence, *via Hamburgh*, to England and Ireland. At the same time Doctor Walsh invited the students of St. Patrick's Irish College at Lisbon, to repair to Paris, to prosecute their studies, and encouraged them to undertake the journey, by promising, that the expenses of it would be defrayed. The Roman Catholic Archbishops and other Prelates, Trustees of Maynooth College, having met in Dublin on business concerning it in January 1807, availed themselves of the occasion, to express their unqualified disapprobation of the invitation from Paris, in a letter to the Reverend Doctor Crotty, Rector of the Irish College at Lisbon, a copy of which was sent to Mr. Secretary Elliott, and also to Lord Howick, though he had it not with him, when he spoke.

“ The Catholic Prelates of Ireland, either collectively or individually, never received any document or paper whatsoever sign-

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education at that place, and no doubt with intention to make that education the channel of intro-

ed by Bonaparte and Talleyrand, or either of them, except as above. "J. T. T."

Dublin, 3d January, 1808.

"Dublin, 24th January, 1807.

REV. DR.—SIR—"We, the undersigned Archbishops, and Bishops, have been lately made acquainted with an extraordinary proposal of the Rev. Dr. Walsh, of Paris, to the young men, at present under your care and guidance, in Lisbon, inviting them to abandon that Establishment, and repair to the Seminary established by the Head of the French nation, under his direction, in that city. You may easily conceive the degree of indignation we felt at such a proposal; nor can we believe, that it proceeded from any but very sinister motives. We shall refrain, on the present occasion, to make those comments, which occur to us on the general conduct of Mr. Walsh, since the period of the French revolution; but we cannot avoid remarking, that the great inducements holden out to the young men of your house seemed calculated to inspire them with veneration for, and attachment to the present French Government; while, at the same time, he seems actuated by a desire to alienate them from that allegiance, which they owe to the Government of their own country. It is needless to remind you, Sir, that one of the principal duties of a Clergyman is to inculcate subordination to the laws, and allegiance to the established authorities, under which he lives. We consequently submit to your consideration, whether an education received under an hostile power, can possibly tend to enforce those maxims. We have not the most distant idea of attaching blame to you, Sir; but we are extremely anxious, that you should be thoroughly acquainted with our sentiments on a matter of such serious moment. Bound as we are by every tie of gratitude to the present Government, for its very liberal support of an ecclesiastical establishment at Maynooth, and which, under the auspices of the present Administration, we hope will very shortly be considerably enlarged, we not only feel it our duty to

ducing and extending the political influence of the French government in Ireland. Mr. May approved of the enducation of the Catholic clergy at home, as the means of enlightening and attaching that body to the state. Mr. Perceval's amendment was negatived, and the original sum of £13,000 voted without a division.

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The Ministers were far from being insensible of the workings of the secret cabinet against their ex-
Real conduct of ministry.

declare, in the most unequivocal terms, our reprobation of such attempts to seduce the youth of your house ; but are determined to use the authority vested in us, in order to prevent even the possibility of excuse on the part of any of our Students, who might attempt to accept of that insidious offer. We therefore desire you will convene all those, who are under your care, and make known to them, that we never will give any Ecclesiastical faculty in our dioceses, to those individuals, who should accept of the offer ; and that we authorise you to declare to all those in holy orders, that by an acceptance of a similar offer, they will incur a suspension, *ipso facto* ; at the same time, however, that we pronounce this sentence, we do confide, that their own sense of duty is sufficient to prevent the necessity of it ; and we do hope, that they will not suffer their principles of allegiance to their lawful Sovereign to be biased by the intriguing disposition of those persons, who are the instruments of his avowed enemies, in disseminating discord and discontent.

“ Signed by the Archbishops and Bishops,

“ RICHARD O'REILLY,	FRANCIS MOYLAN,
THOMAS BRAY,	JOHN CRUISE,
J. T. TROY,	D. DELANY,
EDWARD DILLON,	P. S. PLUNKETT.

“ To the Rev. Doctor Crotty,
 Rector of the Irish College at Lisbon.”

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istence. They were at the same time fully sensible of the vast powers of the *Catholic question*, when once brought into full action to bear upon a political intrigue. Although they had successfully kept that question at rest during the present session of Parliament, they despaired of their power of continuing so to do. Unfortunately for the Catholics, their cause was made the weapon both of aggression and defence in this virulent, and, for some time, clandestine contest for place. The government of Ireland having informed ministers, that a disposition had arisen amongst the Catholics to prosecute their claims, they were alarmed, under the full conviction, that such prosecution would endanger their situations. Such, at the same time, was the imperious necessity for recruiting the army and navy, and such the natural apprehension, that the recruiting sources would be suspended or choaked up in Ireland more effectually than ever, that anxiety for place, as well as zeal for the service, forced them into some sort of action upon the subject. They could no longer suppress the whole matter. Mr. Ponsonby's prudent and cautious efforts at conciliation had not *kept the question at rest*. Those, who took any active part in forwarding the Catholic question, ascribed no merit to government for having quieted the local turbulence of the Threshers by the arm of the law. That was a thing at all times feasible: but government had heretofore found it expedient to engraft political intrigue upon the occasional, (perhaps unavoidable) soreness of the peasantry, and trans-

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mute popular irritation at partial and temporary calamity, into general disaffection of the Catholic body at universal and systematic oppression. The English ministers were strongly (though privately) urged by substantial friends to them and to Ireland, not to permit such noxious practices of the old system to be raked out of the embers of Mr. Pitt, and lighted up into a flame by his successors. They were reminded, that recent severities inflicted upon Catholic soldiers (and even upon their wives) for attending the divine service according to their own religion, at Manchester and elsewhere, revived the sense of former persecutions, and brought fresh into the memories of the sufferers and their countrymen the many breaches of parliamentary, government and military faith, promises and engagements, upon the important head of free exercise of religion. They were warned, that whilst that system was persisted in, an inflexible sense of pastoral duty called upon the most firm and regular of the Irish clergy to dehort their flocks from enlisting. The first weak, timid measure to meet the difficulties, which in concurrence with the general disappointment and fresh irritation in Ireland at the growth of fostered Orangeism, forced the ministers to view the mischief in its full extent and deformity, was a notice given in the House of Commons of an intention of omitting or altering the clause in the mutiny bill, which obliged every soldier to attend the divine service of the established church. It was represented to them, from the same quarter, that the

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proposed measure would not meet the evil, as it could but affect the army (and that very imperfectly*) but would not even remotely touch the Catholic sailor. That miserably inefficient step was dropped as suddenly as it had been taken up lightly. The cabinet was reluctantly driven to adopt some other measure. In the course of some days Lord Howick gave notice of his intention to move for leave to bring into the House of Commons a bill to open the naval and military services indiscriminately to all his Majesty's subjects, who should take an oath to be thereby prescribed. That notice was the watch word to the opposition : and every engine was instantly set to work, to convert that measure of government into their total overthrow. The first body of respectability out of the walls of Parliament, that was attempted to be brought forward to oppose it, was the city of London. On the 5th of March, 1807, the Lord Mayor, aldermen and common council, being assembled in full court, upon a motion respecting the Catholics of Ireland, Mr. Deputy Birch opened the business in a speech of considerable length, and concluded with moving, " That it appears to
" this court, that the bill intended to be intro-
" duced into Parliament to permit Papists to fill
" offices in the army and navy, under the sanc-

* That would only have protected the soldier from military pains and penalties for refusing to obey the command of his officer to march to church, but would have left him open to all the pains, forfeitures and disabilities of the 25th of Char. II. and the 1st of Geo. I.

“ tion of the Secretary at War, is subversive of
“ the fundamental principles of the glorious con-
“ stitution of the country, as established in 1688;
“ dangerous to the Protestant interest, the peace,
“ order and security of the British empire; and
“ that it is the duty of this court to petition both
“ Houses of Parliament, not to sanction so alarm-
“ ing a measure, the oaths of supremacy being an
“ integral part of the Bill of Rights.” Mr. Samuel Dickson seconded the motion, and Mr. Bell, after having refuted the arguments advanced by Mr. Deputy Birch, concluded by moving the previous question, which was carried by a majority of seventeen.

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On the 5th of March, Lord Howick moved for leave to bring in the bill* of which he had given

Lord Howick moves the Catholic officers bill.

* As this bill was the pretended or real cause of overturning one of the most powerful administrations ever formed in the country, and it was brought in not only for the laudable and necessary purpose of enabling the state to avail itself of above five millions of his Majesty's Catholic subjects, but also avowedly in the doubtful hope of keeping the vital question of their emancipation at rest, a copy of it is here given for the satisfaction of all parties interested in the subject matter. It was a crude and ill-digested bill, suddenly adopted by government as a half measure, to supply the more glaring defects of a less than half measure, the omission or alteration of a clause in the mutiny act. The measure, though embracing an object of transcendent importance to the empire, was purely the act of the ministers: they did not consult the Catholic body upon it. Nor did they even submit it to the observations of his Royal Highness the Prince of Wales, though so deeply affected by the results, and so personally interested in the original formation, as well as the credit and stability of that administration.

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notice to the House. He should have hoped, that such a position, particularly at such a time, would

“ A bill, for enabling his Majesty to avail himself of the services of all his liege subjects in his naval and military forces, in the manner therein mentioned.

“ Whereas it is expedient, that his Majesty should be enabled to avail himself of the services of all his liege subjects, in his naval and military forces, for the maintenance of the rights of his Crown, and the interests, honor and independence of the British Empire: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful for his Majesty to grant or confer, or by his Royal sign manual to empower the proper officer or officers to grant or confer any military commission, warrant, or appointment whatever, either in his Majesty's sea or naval forces, or in any of his Majesty's land or military forces whatsoever, to or upon any of his Majesty's liege subjects, without exception; and that every such commission, warrant or appointment, so granted or conferred, shall and may be lawfully exercised by such of his Majesty's subjects, in all places within or without his Majesty's dominions, any law, statute, or usage to the contrary notwithstanding. Provided, that every such person shall, within months after his accepting the said commission, warrant or appointment, take, make, and subscribe the declaration and oath herein after mentioned, which declaration and oath shall be ingrossed on the back or at the foot of the commission or appointment so granted or conferred, and shall be then attested by the signature of the magistrate or officer, in whose presence the same shall have been subscribed, and by whom the said oath shall have been administered. And be it further enacted, that such oath and declaration may be administered and attested by any court of record, or judge of such court, or by any justice of peace or other magistrate having power to administer oaths, in any parts of his Majesty's dominions. And that, if the party taking and subscribing the same,

have met with no opposition. Understanding, however, that there were honourable members in

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shall, at the time of his so taking and subscribing the same, not be within his Majesty's dominions, the same may then be administered and attested by any general officer or commanding officer of his Majesty's land forces, or by any admiral or commanding officer of his Majesty's naval force. Provided always, that in this last case the person holding such commission, warrant, or appointment, shall, within months after his return to any part of his Majesty's dominions, again take, make and subscribe the same oath and declaration, in presence of some court of record or magistrate as aforesaid. And be it further enacted, that no person having so taken, made, and subscribed such oath and declaration respectively as aforesaid, shall be liable to any pains, penalties, or disabilities whatsoever, for having exercised or acted in or under any such commission, warrant, or appointment, any law, statute, or usage, to the contrary notwithstanding. And although such person shall not have complied with any of the directions of any former statute respecting the qualifications of persons holding or exercising offices within this realm. And be it farther enacted, that the said oath and declaration, to be so taken, made and subscribed, shall be in the words following, viz. " I. A. B. being by this commission appointed " to be (here set forth the appointment) do hereby solemnly " promise and swear, in the presence of Almighty God, that I " will be faithful, and bear true allegiance to his Majesty, King " George the Third, and that I will do my utmost to maintain " and defend him against all treasons and traitorous conspiracies, " and against all attempts whatever, that shall be made against " his person, crown, or dignity; and that I will, to the utmost " of my power, resist all such treasons, conspiracies or at- " tempts, and will also disclose and make known the same, as " soon as they shall come to my knowledge; and I do also pro- " mise and swear, in the presence of Almighty God, that I " will, to the utmost of my power, maintain and support the " succession to the Crown of the United Kingdom of Great Bri- " tain and Ireland, as the same now stands limited by law; and

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that House, who meant to contest it, he should offer to to the house an explanation of the grounds

“ that I will also, to the utmost of my power, maintain and support the established constitution and government of the said United Kingdom, against all attempts whatever that shall be made against the same.” And whereas it is expedient, that his Majesty’s subjects, however employed in any of his Majesty’s sea or naval forces, or any of his Majesty’s land or military forces whatsoever, should be allowed the free exercise of such religious opinions, as they may respectively profess ; Be it enacted, that no person employed in his Majesty’s sea or naval forces, or land or military forces, and having previously signified in writing, signed by himself, to his commanding officer, his dissent from the doctrine or worship of the Church of England, as by law established, shall, under any pretence, or by any means, be prevented from attending, or be subject or liable to any pains, penalties or disabilities for attending such divine worship or religious service as may be consistent with, and according to his religious persuasion or opinions, at proper or seasonable times, and such as shall be consistent with the due and full discharge of his naval or military duties ; nor shall any such person be compelled or compellable to attend the worship or service of the said established Church ; and that any commissioned officer, acting in violation of, or contrary to this provision, shall, upon conviction thereof, before a general court martial, be liable to be suspended or dismissed from his Majesty’s service, or to such other punishment, not extending to life or limb, as the said court shall award ; and that any warrant or non commissioned officer so offending shall be liable to such punishment, not extending to life or limb, as shall be awarded by a general or regimental court martial. And be it further enacted, that this act shall be and continue in force from the in the year of our Lord until the in the year of our Lord ”

It is obvious, that this bill was not intended to remedy the great national evil, which consisted in the statute disabilities, pains and penalties falling on above five millions of his Majes-

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which the bill was founded, without going into the question of the general expediency of penal laws,

ty's Catholic subjects, who might enlist, or may have enlisted as private soldiers or common seamen in his Majesty's service. Hence it was usually called Lord Howick's *Catholic officer's bill*. Yet the act of 1 Geo. I. c. 13. had re-enacted all the operative penal parts of the 25. Car. II. (*the Test Act*) and extended them to private soldiers and common sailors for refusing or neglecting for three months after having enlisted, to take the oaths of supremacy, abjuration and allegiance. That act of Geo. I. affects Catholics only, for it says nothing of the sacramental test, which most Protestant dissenters conscientiously refuse; although none of them object to the negative oath of supremacy (on which is founded the operative exclusion to Catholics, who submit to a supreme bishop) as they admit of no head of the Church on earth. It cannot be dissembled, that a very large part of the Irish Catholics, disrelished, contemned and ridiculed this officers bill. They considered it as an insult on the body. They had not so refined upon political economy, as to be sensible, that a country could be over peopled. With Adam Smith, they still substantially thought and measured a nation's happiness by the density of its population. They considered Lord Howick's boasted policy of strengthening the Protestant ascendancy, by thinning the Catholic population, at least not friendly to the internal prosperity of the country. To kill off its male youth, in foreign warfare, was the most insidious mode of depopulating it by emigration. This they connected with the checks given to Irish population by the provocation and suppression of the rebellion of 1798. And they never separated it from the jealousy of government at the rapid growth of the physical force of the country. They considered Lord Howick, whose bill they indignantly despised, as connected domestically as well as politically with Mr. Ponsonby, who, with other distinguished patriots, was once zealous for reform and emancipation, though he had latterly declared, that it would militate against the interests of the empire to concede either. They had brought themselves to this (not very unna-

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which imposed checks upon the consciences of individuals. Dr. Paley, and all other modern writers of respectability concurred, that such restraints and exclusions, as he was about to remove, ought only to be enforced against religious opinions, when it was manifest, they were inconsistent with the necessary order and subsistence of government. If it were now necessary to state, that the connection, which formerly existed between the religion and the politics of the United Empire had ceased, and therefore those restrictions, which were applicable only to their politics, and not to their religion were rendered unnecessary, he should feel no difficulty in making that statement, and in maintaining it by unanswerable argument. If this were allowed, the proposition necessarily followed, that at the present season of difficulty and danger, when it was desirable to unite every heart and hand in the cause of the country, it was unwise to exclude from that union so large a portion of the people, as the Catholics of Great Britain and Ireland, amounting in number to nearly a fourth of the whole population of the empire, and to prevent them from sharing in the danger and the glory of their countrymen. The fact was, that at that very moment a great proportion of our soldiers and sailors (particularly of the latter) were Catholics, and it was fitting, that Parliament should sanction by right, what was already allow-

tural) conclusion, that wherever legislative union had succeeded in planting British popularity; there had it never failed to extinguish Irish patriotism.

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ed by connivance? By the law, which passed in the Parliament of Ireland, in 1793, Catholics were allowed to hold commissions in the army, and to enjoy those privileges in Ireland, which it was the object of the bill he meant to propose to communicate generally to the Catholics of this country. The bill would go to admit persons of every religious persuasion, to serve in the army and navy, without any other condition, but that of taking an oath particularised in the bill. Of course, if this indulgence were granted to Catholics, it was unnecessary to state, that there could be no objection to grant it to any other sect of dissenters from the established church, unless some specific danger could be shewn, which he did not at present see. The provisions of the bill would therefore extend to persons of all religious persuasions. What had particularly drawn the attention of his Majesty's government to the subject, was the strange anomaly, which existed in consequence of the act passed in Ireland, in 1793, by which the Roman Catholics in that country were enabled to hold commissions in the army, and to attain any rank (except commander in chief of the forces, master general of the ordnance, or general of the staff.) The effect of this permission so granted to the Catholics in Ireland was a striking incongruity; for if a Catholic, who was by law qualified to serve in the army of Ireland, should be brought out of that country by any circumstances, which demanded in this country the presence of the regiment, in which he served, he would be disquali-

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fied by law from remaining in the service, and would have only this alternative, either to continue in the service contrary to the law, and thus subject himself to the penalties and forfeitures consequent thereon, or to relinquish a profession, in which he had risen to the rank, which he might hold, either by the sacrifice of his fortune, or more probably by a succession of meritorious services, such as proved him qualified to defend the prosperity and assert the honor of the country. So absurd an inconvenience must be remedied. The inconveniency was seen, when Great Britain and Ireland were separate nations, and had separate parliaments, and when the act of 1793 was proposed in the Irish parliament, it was declared, that a similar proposition should be made in two months by the Parliament of Great Britain. This was distinctly promised; Lord Clare in the House of Peers, and Lord Buckinghamshire in the House of Commons distinctly stated, that it was the intention of his Majesty's government, with all convenient dispatch, to prepare a similar bill in the British Parliament. The measure, which he was about to submit to the judgment of the House, was calculated to remove the inconvenience, and to reconcile the incongruity complained of, and at the same time to maintain the faith of the British government, by redeeming the pledge, to which he had alluded. There seemed to be no objection to the measure, as a necessary consequence of the act of 1793, and as a redemption of

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the pledge given at that period. The only objection started, appeared to be by those, who thought the proposed measure, by going farther than the act of 1793, established a new principle of concession, which ought not to be acceded to. It would now therefore be necessary for him to state, in what the two measures differed. The first difference was, that the proposed measure went to permit persons of every religion to serve in the navy as well as in the army. When the Irish act was passed, it was distinctly stated, that in the bill to be submitted to the British Parliament, leave to serve in the navy would be included, and the only reason, why it was not included in the Irish act was, that Ireland had no navy. The same principles, which induced his Majesty's ministers to propose the adoption of a similar law for the two countries, induced them to propose the abolition of restrictions. Consistency. For nothing could be more incongruous, than the consequences of these restrictions, which might be attended with considerable inconvenience to the service. A Catholic might, by the Irish act, rise through the regular gradation, and become a field officer; he might become a major, a lieutenant-colonel; a colonel; in this last capacity, he might have the command of a corps equal in number to that frequently under the orders of officers of a superior rank. He might shew himself eminently qualified for a situation of greater trust; he might distinguish himself to such a degree, as to be called upon by the voice of the army and the peo-

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ple to fill that situation; but it would be impossible to create him a major general! This was a great discouragement to the Catholic officer. It was a great disadvantage to the country, which by such restriction, might lose the services of many brave and skilful men. And, after all, it must be considered, that the proposed measure only *enabled* his Majesty to appoint such persons to situations of high importance. This appointment must depend upon the executive government, which would, of course, be discreet in the exercise of its power. In addition to the advantage of enabling the country to avail itself of the whole extent of its population, without any of these restrictions, which operated merely to keep up a spirit of discontent, and to damp that ardour, which might otherwise be so successfully directed to the public service, the proposed measure, in addition to these things, provided for all, who should enter into his Majesty's service, the free and unrestrained exercise of their religion, as far as it did not interfere with their military duties. Perhaps it would be said, that this might be accomplished in another way, by giving directions to that effect; but he was apprehensive, that this could only be partially done; besides, the insecurity and instability of such a mode of proceeding would deter the Catholics from entering the army, and would furnish to those, who might be desirous of preventing them, sufficient means of persuasion. Let them have full security in the shape of a clause in an act of parliament; let them have the sanc-

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tion of the legislature, and all doubt would be removed. If there were any possible utility in this provision, when it was considered, that it could be attended by no inconvenience or danger, he trusted it would meet with no objection. He had thus stated briefly the objects of the proposed bill. Briefly, because he was not aware, that in that stage, the measure would occasion any debate. The abolition of the restrictions in point of rank would place before the sons of the gentry of Ireland, those fair objects of ambition; it would open to them that course of glory, the pursuit of which was synonymous with the advancement of the best interests of the empire. On the commonalty of Ireland the measure must have a powerful effect, by affording a salutary check to the encreasing superabundant population of that country; as it would induce numbers to enter into the service of his Majesty, even of those, who by their own discontents, and by the artifices of others, had so lately been urged into insurrection and rebellion. He therefore moved for leave to bring in a bill, for enabling his Majesty to accept the services of all his liege subjects, in the army and navy, on the terms therein mentioned.

Mr. Perceval rose, not so much to object to the particular measure, which was proposed, as to express his fears, that this was but the beginning of a system, which would in its consequences, when fully disclosed, be highly dangerous to the constitution and Protestant establishment. He perceived, that step by step, and from day to day, they

Mr. Perceval's objection, and motion agreed to.

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were bringing forward measures, which he thought must end in the total repeal of the Test Act. He could not consider, that it would be for the interest of Ireland, as he was firmly persuaded, that nothing was more important for the welfare of Ireland than a Protestant establishment and a Protestant ascendancy. There was no man, who was a greater friend to toleration than himself, or who would more wish, that every person should have the free exercise of his religion; but it was, because he was a friend to toleration, that he did not wish to favour a religion, which had been always intolerant when in power, to the prejudice of the established religion, which had always practised toleration. It was always on the ground of toleration, that those innovations were brought forward. One day, in the name of toleration, the house was called upon to grant a sum of money to educate Priests for the purpose of preaching the Catholic religion to 3,000,000 of people, and the next day they were called upon to grant still farther concessions. The reasoning of the Hon. Gentleman, who supported those perpetual concessions appeared to rest on this principle, that one religion is very nearly as good as another, and that, therefore, no man's religion should disqualify him from political power. They seemed to think, that the reformation itself was a mere political measure. The noble Lord (Howick) had professed the most decided and absolute preference for the established religion; but still he had voted for the granting funds to the preachers of

the Catholic religion. Many might suppose, that this was quite agreeable, not only to liberality and sentiment but to sound policy; but he entertained an opinion directly to the contrary. Lord Temple contended, that the whole of the argument of the Hon. Gentleman went the length of overturning every principle of policy and justice, which one sect of Christians ought to entertain for another. They were arguments better calculated for the dark ages of unenlightened man, than for the more polished æra of the nineteenth century. Mr. Montague and Mr. H. Browne were against the motion. Mr. Freemantle, Mr. Plomer, and Mr. Corry, spoke in favour of it. Leave was then given to bring in the bill: it was read a first time, and ordered for a second reading on that day se'nnight.

In the cabinet, in the senate, in the country at large, every engine was set to work to accelerate and secure the explosion of the broad-bottomed administration, as the ministers were now usually called. Lord Sidmouth threatened to withdraw his forces from the support of government, and go over into open opposition. Petitions flowed in from different corporations against the measure. The Marquis of Titchfield presented to the House of Commons a petition from the University of Oxford against the bill. At the Quarter Assembly at Dublin, Mr. Giffard proposed a petition to Parliament against the general claims of the Catholics, and specifically against the bill then pending, which was seconded by Mr. Cope, and carried by a ma-

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Measures
on the eve
of the
charge.

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majority of 26 *. The Dukes of York and Cumberland, Lords Eldon and Hawkesbury had frequent

* Mr. Giffard's speech at the Post Assembly on this requisition was too pointedly illustrative of the genuine spirit of the system, which had not been at any one moment extinguished during the 13 months of a supposed adverse administration, not to submit it to the reader; who will make his own remarks upon it. It prominently presses upon the political necessity of the royal *Veto*, and shews how strongly that gentleman sympathized with the higher powers, in separating the Catholics of Ireland from communion with that centre of unity, in which they hold the essence of the government of Christ's church upon earth to consist. After an affected preamble upon his love for his Catholic countrymen, he spoke to the following purport. "I have read speeches stated to have been made at Roman Catholic meetings, and not contradicted; and I mean to found my arguments upon those speeches. If they wish to petition Parliament, let them. It is their right to do so; we can petition also, and shew our objections. A reporter of one of the speeches says, that those, who had supported them, had now abandoned them. In their speeches they assume, that they are the people of Ireland; that we are but a small party; they say their's was the religion of Alfred, of our Edwards and Henrys, the conquerors of France. When Henry the Second came here, the Irish were Catholics, and if the bishops of that day could, like Elijah, have bequeathed their mantles to the present, we should embrace them as brethren, and as fellow freemen. They refused the mandates of Pope Gregory. Why don't the Priests of this day look within the realm for a head to their church? Let them renounce obedience to a foreign State! I oppose only their subjugation to the Pope! Let them take the oath, that we have taken; that the King is the head of the church, and I will be the first to hail their introduction amongst us. When Henry the Second came here, all the other Kings in Europe were led by the Priests; and had not the Irish afterwards sunk into this base slavery, we would now be the happiest people on the face of the globe. When the relaxation

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access to his Majesty. The differences in the cabinet were publicly canvassed. Lord Grenville had

of the popery laws first commenced, I rejoiced at it. I was present when Mr. Gardiner and Mr. O'Neill first exercised their talents and influence to take off restrictions; and then I little thought what the consequences would be. (Here Mr. Giffard made some animadversions upon the Catholic clergy, the subservient condition of the Pope to Bonaparte, and the accuracy of Sir Richard Musgrave's history!) We are charged with being Orangemen. But surely, when bad men conspire, good men should associate. When the Orange system began, the rebellion was far advanced in its organization. Poor men, who were loyal in the country, if they had not associated, they would have been destroyed singly. From this the gallant yeomanry arose. Vinegar Hill witnessed their prowess. The aid of England has been extolled. Why, England did nothing. The English militia were too late. It was the Irish yeomanry retook Wexford, and saved 17 devoted Protestants upon the point of massacre at the bridge, each with a pike and a Priest at his throat. I am sorry to be goaded to a repetition of things. If government, and they will let us alone, we will strive to forget them. I am an Orangeman; I speak in the presence of Orangemen, and I know nothing in the system adverse to that great principle of the Christian faith; love your neighbour, and do to all men, as you would, that they should do to you. Would to God all Protestants were Orangemen! I wish the Catholic every enjoyment, under and consistent with our happy constitution. I would not deprive the Jew of his synagogue; the Mahometan of his mosque; much less would I wish to injure the Catholic; a fellow Christian, who acknowledges the same Redeemer with myself. But I would not put a sword into the hand of a mad man, as much in mercy to him, as to myself. I will propose then to petition the House of Commons by our representatives and the House of Lords by the son of our King, the Duke of Cumberland, a name dear to the constitution, to whom I had the honor of bearing an address from this house, and who was graciously pleased to desire me to tell the citizens of Dublin, while he

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a special audience of his Majesty at Windsor. The bill was given up or abandoned by Lord Howick, but the ministers were forced to resign: and inasmuch as the consequent change in his Majesty's councils was the triumph of the system and the empire is now groaning under their rule, it is of the last consequence to the welfare of Ireland, that the particulars of the expulsion of their predecessors and their introduction into the uncontrouled powers of the state should be faithfully placed before her eyes, as a *denouement* of the piece of deception so long played upon her.

Minister's
conduct
against the
Catholics.

The new men, who had served in several capacities under Mr. Pitt, and now he had been dead for some time, assumed a confidence and consequence, which upon his immediate demise they had not arrogated, but had unanimously declared their incompetency to wield the machine of state. They were roused into courage by the secret advisers of the crown to assume the awful charge in the strength of the court influence, and armed with all the antiquated weapons of state intrigue, used during the two last centuries, with the single exception of the cry of the Pretender. Their most devoted newspaper of the 6th March, having given a list of the new arrangements, said, "Such is the *Protestant* administration, which his Majesty

lived they had a friend, and a friend to the constitution. I now move, That a petition be presented to both Houses of the Imperial Parliament, praying them to maintain the constitution in Church and State, by refusing the present demands of the Roman Catholics of Ireland."

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“ firmly attached to those principles, which seated
“ his family on the throne, has appointed to re-
“ place a ministry, that would have put the power
“ of the sword into the hands of Catholics, and
“ have made Catholics the generals of our armies
“ and the admirals of our fleets.” Mr. Pitt and
his co-operators raised the question of Catholic
emancipation (certainly for the immediate pur-
poses of deception). They endeavoured to retain
the affections of the Catholics by professing a con-
stant attachment to that object. The new men
more bold, (perhaps less insincere) put every thing
in hazard, by avowing their own systematic hosti-
lity to the Catholics, and denouncing all their
friends in Parliament, as determined enemies of
their King, their country, and their religion.

If the secret advisers had counselled his Majesty
to dismiss his ministers upon unconstitutional
grounds, it is evident, that their immediate suc-
cessors by accepting of their places became respon-
sible for the advice, and must stand or fall by it.
Although none of them should have been the ac-
tual advisers of the removal of their predecessors,
yet was it through them and by their means, that
the advice was effectuated. They must therefore
give up to Parliament the secret advisers, however
exalted their station, or remain responsible for the
advice. The sole ground of dismissal was the re-
fusal to give the written pledge never more to re-
commend under any circumstances whatever, any
further Catholic concession. Had his Majesty
dismissed them, as some wickedly gave out, be-

Real conse-
quence of
the secret
advisers of
the crown.

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cause they had attempted to impose upon or deceive his Majesty, who was timely warned of it by his trusty servant Lord Viscount Sidmouth, it was out of all probability, that his Majesty should afterwards have offered to retain them in his service upon signing a pledge. What security was a secret or even public pledge against a deceiver and impostor?

Result of
the secret
advisers
council.

Once the secret advisers of the crown had so far worked upon the royal mind, as to dismiss the Grenville administration, no chance was to be left to repentance or retraction. Therefore the two most prominent of the presumed advisers Lords Eldon and Hawkesbury, obeyed his Majesty's commands, communicated to them through the Duke of Cumberland, in setting off for Windsor at seven o'clock in the morning of the 19th of March; they remained there till three o'clock in the afternoon, and then returned to London to the Duke of Portland, who was too infirm even to travel to Windsor; with special instructions to advise with his Grace upon the formation of a new administration: directing his Grace at the same time to take for his guidance the advice and opinion of Lord Lowther and Lord Melville. Lord Chatham was also brought up from Harwich and consulted upon the final arrangements. On the 23d of March, Lord Euston presented a petition from the Chancellor, Master and Scholars of the University of Cambridge against the bill for allowing persons of every religious persuasion to enter into the army and navy. The petition was ordered to lie on the

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table; when Mr. Dickenson rose to oppose it: but previously called upon Lord Howick to inform the House, whether he were as yet authorized to communicate his reasons for having postponed the 2d reading of the bill. His Lordship answered in the negative. At the same time, he was free to declare, that, although he had then received his Majesty's commands to deliver up his seals, his Majesty had thought proper to send for persons, not employed as his servants, who were then actually engaged in forming arrangements for a new administration. The eclairsissements and *minutiae* of the cabinet tactics forced from the mouths of the parties in this most extraordinary contest for power, furnish more knowledge and evidence of the system, than all the historical documents from the reign of Alfred to the establishment of the doubly refined management of the court and senate by Sir Robert Walpole. The *Exposé* made by Lord Grenville in the Lords, and by Lord Howick in the Commons on the same day forms a most instructive and important lesson upon the systematic use lately made of his Majesty's ministers. After the King had declared his intention of forming a new administration, and had actually appointed some of his new servants on the 26th of March, Lord Hawkesbury proposed an adjournment for some days, in order to complete the new arrangements*, when Lord Grenville rose, and af-

* The new ministers were appointed on several days: for the arrangements could not be so hastily settled, as the system was anxious to get rid of the Whig or independent part of the old

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ter having pointed to the particular situation, in which the government of the country then stood, he remarked, that when about six years before he and other servants of his Majesty had retired from office, they did it without explaining their motives:

ministry. It was then considered at an end, and the new appointments commenced to be made on the next day, viz.

On the 25th of March. Earl of Westmoreland to be Lord Privy Seal.

Lord Hawkesbury, Secretary of State for the Home Department.

Lord Visc. Castlereagh, do. Colony and War Department.

Geo. Canning, Esq. do. for Foreign Affairs.

On the 26th, do.

Earl Camden, Lord President of the Privy Council.

Hon. Spencer Perceval, Chancellor of the Exchequer.

Earl Bathurst, President of the Board of Trade.

On the 30th, do.

Right Hon. Geo. Rose, Vice President.

31.

Duke of Portland,

Right Hon. S. Perceval,

Marquis of Tichfield,

Hon. W. Elliott,

Wm. Sturges Bourne,

} Lords of the Treasury.

Earl Chatham, Master General of the Ordnance.

Sir James Pulteney, Secretary at War.

April 1.

Lord Eldon, Lord High Chancellor of Great Britain.

Duke of Richmond, Lieut. Gen. and Gen. Governor of Ireland.

Duke of Montrose, Master of the Horse to his Majesty.

the consequence was, that great misrepresentation took place, and their characters suffered much.

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April 3.

Lord Mulgrave,	} Lords Com- missioners of the Ad- miralty.
Admiral Gambier,	
Adm. Sir R. Bickerton,	
Wm. Johnstone Hope,	
Robt. Ward, Esq.	
Lord Visc. Palmerston,	
James Buller, Esq.	
Right Hon. R. Dundas.	President of the Board of Controul.

Earl Camden,	} Commis. for managing the affairs of India.
Lord Hawkesbury,	
Lord Visc. Castlereagh,	
Geo. Canning, Esq.	
Duke of Portland,	
Spencer Perceval,	
Lord Louvaine,	
Lord Teignmouth,	
Right Hon. T. Wallace,	
Geo. Johnstone, Esq.	

Lord B. Somerset,	} Joint Paymas- ters.
Charles Long, Esq.	

April 11.

14.

Geo. Rose, Treasurer of the Navy.
Baron Sutton, created Lord Manners
and Chancellor of Ireland.

Earl of Chichester, Post Master Ge-
neral.

— Huskinson, Esq.	} Joint Secreta- ries of the Treasury.
Hon H. Wellesley,	

Sir Wm. Grant, Master of the Rolls.
Sir Vicary Gibbs, Attorney General.
Wm. Plumer, Esq. Solicitor General.
Sir A. Wellesley, Chief Secretary to
the Lord Lieutenant.

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Lord Gren-
ville's Ex-
pose of his
dismissal.

To prevent similar effects, he spoke to the general subject nearly as follows.

On three questions only did Mr. Pitt and Mr. Fox agree during the course of their long political lives. These were the sinking fund, the abolition of the slave trade, and what is called the Catholic question. Two of these had been carried; the first as soon as it was proposed, and the second after great delay, and having to encounter every species of artifice and misrepresentation. The third rested upon such grounds of justice and policy, that he could not conceive how any one, who understood the interests of the country could oppose it. On a former occasion, he had sacrificed objects of ambition and gratification, and he was ready to make such sacrifices again. He did it upon the principle, that four millions of subjects were to be governed by conciliation and kindness, and not by intolerance and exclusion. Different overtures were afterwards made to him for his assistance. His answer invariably was, that his Sovereign might command his services, but he never would relinquish the privilege of speaking his mind on the question. An opportunity afterwards arose, when the Catholics of Ireland wished to have their case taken into consideration. They did him the honor of selecting him to present their petition, which he willingly accepted. Upon the event of the motion, which he then made, it was not necessary for him to trouble the House with any observations. The majority, who rejected it, could not have been understood, as having given a lasting pledge, that

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they would never accede to it. Some months after that, the country was deprived of the great Statesman, who then was at the head of his Majesty's councils. The King sent for him, under the impression, that he might be useful, not in supplying the loss of that great man, for that was impossible, but in forming another administration. In forming that administration, he did recommend such persons, as he considered to entertain sentiments most congenial to the constitution, most of whom were known to be friends to the principle of granting every indulgence to the Catholics. When they were known to entertain such sentiments, could he conceive, that they would be called upon to exercise their duty in any other mode than the constitution required, which was in the words of their oath, to give "*full, fair, and open counsel to their Sovereign,*" and to advise him upon all occasions, to the best of their judgments? No idea was ever holden out to them, that there was any objection to the concessions in favour of the Catholics. Far from it. Within these few days even, he had authority to say, that they came into council with their judgments unfettered. He would at the same time acknowledge, that it was not their intention to press any measure of that nature, except necessity required it. He did entertain hopes, that such a degree of satisfaction might be given to the Catholics by his Majesty's representative in Ireland; he did hope, that they would find that security in the constitution of the cabinet, that they would not think it necessary to stir the question. His

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object, and the object of those, who acted with him, was to knit together all classes of his Majesty's subjects in that country by a mild and conciliatory government. He entertained hopes, that such a system would supersede the necessity of agitating the question, particularly when it was known there were objections to it in a certain quarter, that it would be strongly opposed in Parliament, and that there was not any prospect of success for a considerable time. Accordingly they took measures to prevent the revival of the question, and they succeeded last year. Some symptoms, however, of that disturbed state, which in his opinion could be best prevented by that measure, broke out. To the honor of the noble Duke, who represented his Majesty, they were composed, not by having recourse to harsh measures, but by civil justice alone. The attention of ministers was soon after called to the situation of Ireland, by the representation of those, who had the best means of ascertaining the state of the public mind in that country.

Lord Grenville continued.

If the Irish law were adopted, he meant the law of 1793, would not the English Dissenter have a right to say, "Upon what principle of justice do you exclude me, while you are a friend to the Catholic?" For his part he was so much a friend to both, that he would have no distinction made, as far as regarded naval or military employment. It was therefore their opinion, that if any bill were brought forward, it should be so framed, as to include persons of all religious persuasions;

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and such was the opinion, that he, for one, thought it necessary to submit the measure to his Sovereign. In so doing, the most scrupulous care had been observed. The draft of the dispatch to the Lord Lieutenant, relative to the communications, which he was to have with the Catholics, was submitted to his Majesty, and met with his approbation. This draft recited, that by an act of the Irish Parliament, the army and navy were laid open to the people of that country, and did then propose, that it should be in his Majesty's power to give commissions, subject to a certain oath. They pointed out the difference between the law of 1793, and that, which they meant to propose; and having done that, they conceived, that they had done all, that was necessary. After some objections his Majesty gave his consent, that the measure should be proposed, and authority was given to the Lord Lieutenant to communicate, by his Secretary, to the heads of the Catholics, that the army and navy should be opened to them. In that interview, it was asked, Whether it were intended, that the restriction respecting generals on the staff should be done away? And it was answered, in the words of the dispatch, that it was. The Lord Lieutenant's dispatch, stating these circumstances, was sent to his Majesty for his perusal, and returned without any remark. The draft of another dispatch, in answer to this, was also sent to the King, and returned without comment or observation of any kind. What were they to conclude from this, but that his Majesty approved of those dispatches?

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Was it possible to do more for the purpose of ascertaining his opinion? What must be their feelings then, when they saw libels circulated, in which it was asserted, that they had deluded their Sovereign? The measure was proposed by Lord Howick, a man of as high and punctilious honor as ever lived, and he would not have done so, if he had not conceived, that he had full authority to do it. That noble person came from the conference with a perfect conviction, that he had permission to propose it. He was at the very time waiting at the door to be admitted, and Lord Howick told him distinctly as he came out, that he had authority to propose the measure to Parliament. He had an interview with the King immediately after, at which his Majesty did not mention one word upon the subject; nor, indeed, was there a word said to his Majesty about it. He would ask their Lordships. Whether the circumstances he mentioned did not authorize the conclusion he had drawn from them? The business was accordingly opened by Lord Howick on Wednesday the 4th of March; and it was not until the 11th, that he understood some misconception existed. On that day he learned they had been mistaken, and that his Majesty's consent would be withheld. Nothing more passed than expressions of disapprobation on one side, and of concern on the other.

Resolution
to withdraw
the bill.

Much discussion took place on the next day among those, who were friendly to the bill. They found they had proposed a measure not agreeable to his Majesty, and they came to a resolution,

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for which he did not know they were perfectly excusable, to withdraw parts of the bill, and to submit it with modifications. They proposed to his Majesty to be allowed to modify the bill to that of 1793: a proposal, which was received with gracious condescension. Upon reflection, they found, that the difficulty respecting the Dissenters was insurmountable; and accordingly they stated, in writing, that as they could not alter the bill as they wished, they requested, that they might be permitted to drop it altogether. Perhaps their Lordships would think they had gone too far in consenting to drop a measure, which they conceived necessary for the safety of the Empire. His answer was: they wished to accommodate their conduct to the feelings of his Majesty. The measure, however, was before Parliament, where it received the warm approbation of many persons, and it was out of their power to stop the discussion. It was not to be expected, that it would be allowed to drop without discussion, and without ministers being called upon to account for their conduct. Had they allowed the bill to drop, still the measure would come before Parliament in another shape, and they would be obliged to explain themselves, and state why the same conciliating policy, which they recommended out of office, was not followed, when they were in. They therefore felt it to be indispensably necessary (he would use the very words they employed) humbly to submit to his Majesty a representation as to their future conduct. They did not state, that they

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must reserve to themselves the liberty of submitting to his Majesty such measures, as they thought necessary with respect to the Catholics, but of submitting them to his Majesty for his decision. They also reserved the privilege of explaining themselves, whenever this subject should be brought before Parliament. The answer was a gracious acceptance of what they had proposed, accompanied with an expression of regret, that any necessity should arise for avowing such opinions to Parliament.

Unconstitutional
pledge demanded.

To their utter astonishment, however, they were soon after called upon to give a written pledge, that no further concession to the Catholics should be proposed. A more painful condition could not have been imposed upon any set of men. What would be their situation, if they were to be bounden by their oaths, and fettered at the same time by a written engagement? Were they to withhold that advice, which they might deem necessary for the safety, nay the very existence of the empire? What would be the effect upon the constitution? Could it exist, if such a principle were recognized, as that ministers were acting upon a written pledge of the nature he had stated? Suppose the existence of Ireland at stake, and ministers were called upon to account for their conduct, was he to justify himself by saying, "Oh! that corner was torn out of the map of the Empire, which was committed to my keeping." Would not the recognition of such a principle strike at the very root of the constitution, overturn the maxim, "That

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“ the King can do no wrong, but that his ministers could,” and re-establish that monstrous and diabolical principle, by which a Sovereign was brought to the bar of his subjects. He would not take up more of their Lordship’s time. When it pleased his Majesty to call him to his councils, he accepted the invitation, not as a matter of enjoyment, but as a matter of duty. He would assure his successors whatever they might think, that they neither came to “ a bed of roses,” nor have they left one behind them. As to Ireland, he would say, that if any other system was adopted there, than that which was so happily pursued by his noble friend near him (Lord Hardwicke) and the noble Duke, who succeeded him, that country would be in immense danger. If even those religious animosities were revived, which had produced such extraordinary exertions of the authority of government, it would, he feared, be impossible again to allay and compose them.*

* Although no debate ensued upon this *Exposé* of Lord Grenville’s, yet Lord Hawkesbury said some words, which threw considerable light upon the history, but shed no lustre upon the honour and consistency of Mr. Pitt, who, to regain his situation, volunteered that very *pledge*, which Lord Grenville and his colleagues nobly declined, when called upon by their Sovereign to subscribe. “ As Lord Grenville had mentioned what he conceived to be the line of his duty, by instancing the conduct of that great man, Mr. Pitt, who, when he went out of office, on this very question, yet on his return did voluntarily state, that he never would bring the subject again under his Royal consideration. Whence did this disposition arise, but from a laudable attention to the conscientious feelings of his Sovereign. He did not state this with any view of casting the smallest re-

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Lord How-
ick's Ex-
posed.

On the same day after Mr. Huskisson had moved in the House of Commons, that they should adjourn to the Wednesday se'nnight, Lord Howick addressed the Speaker in a very impressive manner; he prefaced the explanation, which he had promised on the preceding evening, with several observations, which were nearly similar to those made by Lord Grenville, and then spoke nearly as follows: "Sir, it is neither in my nature, nor in my habits, to shrink from the examination of my life, but I am induced to this alternative, either to submit to have the public mind prejudiced by reports and misrepresentations, supported by partial extracts from confidential papers, or, in the absence of those, who cannot now be present, to do that, which justice to myself and to my colleagues imperiously calls upon me to do. By a fair, open, and manly exposition of every part of the late transactions, to afford the only antidote against the mischievous effects of those garbled statements and wilful misrepresentations.* Under such cir-

"proach on Lord Grenville, whose conduct was different, but to shew the regard, which a great minister had paid to the wishes of his King, on a question which involved scruples of conscience in the Royal breast."

* In a subsequent debate on the 15th of April, upon Mr. Lyttleton's motion, which will be noticed hereafter, Lord Castlereagh explicitly admitted that "What gentlemen had seen of the documents connected with this transaction, had been produced by the permission of his Majesty, which permission had been solicited by his Majesty's confidential servants, in consequence of their knowledge, that these minutes had been communicated to two individuals, not members of the cabinet, nor

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circumstances, Sir, it is impossible in the fulfilment of my duty to myself, to my colleagues, to the House, and to the country, to suffer such a period to elapse before I make this explanation, as must necessarily intervene, ere the persons, to whom I have alluded, can resume their seats in Parliament. Their absence, however, will have this effect; it will induce me to confine myself as closely as possible to a dry statement of facts. It is well known, Sir, that when the late administration was formed, it contained in it many members, whose opinions and principles on what is termed the Catholic question had been recently manifested in that most authentic way, in which the opinions and principles of public men can be manifested, by their speeches and votes in Parliament. They came into administration, therefore, with a general knowledge of those principles and opinions; for certainly no expectation could have been entertained, that those persons, whose characters were sufficiently known, would be willing, for the sake of any considerations of emolument, to abandon principles, which they had so lately and warmly espoused. No such requisition was proposed to them; if it had, it would have been incumbent on them, in support of their honor, and I am sure, that they would have felt it strongly to be their duty then, as now, to decline office. While I assert, that the sentiments of the greater part of the members of the late administration on this subject were well known

"of his Majesty's privy council." Such breach and abuse of cabinet secrets command deep reflection.

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on their coming into power, I do not pretend to deny, that the difficulties, which existed in the way of any farther concession to the Catholics of England and Ireland were also well known. But as they came into office unfettered, and free to offer their advice on this important question, so also, I will answer for every individual of them, they came into office with a sincere desire, while they adhered to their principles, to avoid every subject, that might prove repugnant to those feelings, which they were bound, by every motive of duty, of affection, and of attachment, to respect. This was the state of the case; their opinions on the Catholic question were well known; but they hoped, by a conciliatory mode of government to *keep the question at rest*. For a long time no difficulty occurred; at length, towards the end of last year, some circumstances took place in the West of Ireland, the most valuable, and (I much fear) the most vulnerable part of the empire, which called upon his Majesty's ministers for attention, and which strongly excited the anxiety, that such circumstances must naturally excite. Unwilling to use that force, which, but two days after the meeting of this Parliament, was strongly recommended by a person in that House (Mr. Perceval) who was too impatient to wait for the operation of the more lenient measures, his Majesty's ministers hoped (and that hope was gratified) to reduce the spirit of disturbance, that had been manifested, by a vigorous exertion of the power of the laws alone, without resorting to any intemperate proceedings.

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This occurrence, however, naturally led to the consideration of some measure, which might at once give satisfaction to the people of Ireland, and strengthen the means and policy of the Empire. Various were the propositions, that were agitated in the cabinet, but that, which was deemed to be the most advantageous, was what I had the honor of recommending to the adoption of this House. It appeared to us calculated to be highly beneficial to the Empire at large, by affording the means of recruiting, to the greatest possible extent, the army and the navy, from which so many persons are now excluded by what we conceive to be weak and ill understood policy. It appeared to us calculated to be highly beneficial to Ireland for the reasons, which I have before stated in this House, as tending to tranquillize that country, by holding out to the gentry the prospect of rising in the military and naval services, and thus attaching them to this country; and also by affording a vent to the perhaps superabundant population of Ireland, and thus drawing from the sources of discontent, the means of strength and union. While this measure was under the consideration of his Majesty's ministers, letters were received from the Lord Lieutenant of Ireland, in which his Grace stated, that a disposition had arisen among the Catholics to prosecute the claims, which they had so lately and so unsuccessfully urged in the Imperial Parliament. I was the known supporter of those claims, but I could not avoid considering the prosecution of them, at that moment, as most impolitic. As far

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as my private opinion went, I did strongly recommend the discontinuance of any such attempt. The impartial measure then under contemplation appeared admirably suited to induce that discontinuance, and that discontinuance was effected. Such, Sir, were our inducements of policy and principle.

Lord Howick
continues
on the go-
vernment
pledge.

But we had also another inducement; we did hope, that the limited measure would not encounter the opposition, to which we well knew the general question was exposed. In reverting to the act of the Irish Parliament of 1793, we found, that a pledge had been given by the highest servants of the Crown, that a similar measure would be brought forward in this country. This was recorded in the Secretary of State's office, by a dispatch from Lord Hobart, in which he distinctly stated the fact. This becoming a question, not of policy alone, but also of good faith, we did hope, that the limited measure might receive the assent and approbation of what, on the more general question, we were aware there was no hope; and which 'general' question we *therefore studiously avoided*. On these grounds, the measure, that I had the honor of introducing into the House, was submitted to his Majesty. A detailed dispatch, which I wish it was in my power to lay upon the table, was written to the Lord Lieutenant of Ireland, stating explicitly the motives of this measure, and this detailed dispatch was sent to his Majesty, accompanied by a cabinet minister. From that first proposition, his Majesty certainly

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expressed a strong dissent. On that dissent having been made known to them, the cabinet deliberated, and the result was, a respectable representation to his Majesty of the grounds, on which they thought the measure expedient. To those representations was returned an answer, in which his Majesty, with considerable reluctance, unquestionably signified his assent; certainly with reluctance; but it was a *positive* assent. Under the sanction of that assent, the dispatch was sent to the Lord Lieutenant. At a conference with some of the Catholics in Ireland, Mr. Elliott, the Secretary of State, informed them of the separate measure, which it was intended to propose. Some discussion ensued; and to a question from a Mr. O'Connor, whether every rank in the army were to be open to the Catholics, or whether they were still to be precluded from the staff, Mr. Elliott's answer was, that as the words of the dispatch implied, that the Catholics would be allowed to hold any commissions in the army, on taking the oath of allegiance, he conceived that the staff was included. A dispatch containing a special account of this conference, was sent to his Majesty's government at home, and soon after a second dispatch, in which it was stated, that the subject had been referred to the consideration of a general meeting of the Catholics, by whom, notwithstanding the doubts, that had been incidentally thrown out, it was understood, that every military situation was to be rendered accessible to them. These dispatches, Sir, containing these explicit

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statements, were sent to his Majesty at Windsor, and received his most gracious perusal; but no objection whatever was then made by his Majesty to the measure, to which they related. However, subsequently to this period, there certainly did arise a doubt, whether the measure had been distinctly understood in its fullest extent. It is only fair to say, that this doubt originated with some members of the cabinet. On its being started, I, and some others, with whom I had the honor to act, were most anxious, that it should be completely removed, before the introduction into Parliament. I have always considered, that a minister in Parliament acts in a double capacity; he acts as a minister, and hears as an individual member of Parliament. He may introduce or support a measure unconnected with government considerations. Such was the conduct of Mr. Pitt on the propositions for reform, and for the abolition of the Slave Trade; the latter of which has, thank God, been at last effected, and is a measure which, if there were nothing else to distinguish the late government during the short period, that it had existed, will shed on it sufficient lustre. But when a member of administration introduces any measure as a measure of government, it is most clearly his duty to be previously convinced, that he has the concurrence of the cabinet, and the sanction of royal authority. I should, indeed, have thought myself reprehensible in the highest degree, and deserving of all the foul reproach, that has been so lavishly bestowed upon me, had I introduced the

measures which I did introduce, without having ascertained, that it had the concurrence of the the cabinet and the sanction of the King. 1807.

I have before stated, that a doubt sprung up with regard to the latter: it was therefore determined that I (Lord Spencer being absent on account of ill health) should write a dispatch to the Lord Lieutenant of Ireland, inclosing those clauses of the bill, in which the proposed measure was contained, and restating, in conformity to the sentiments in the dispatch, which had been sent in answer to the communication of Mr. Elliott's conference, that every commission in the army was to be open to the Catholics. This dispatch I wrote with as much clearness, as it was in my power to do. With these clauses it went to the King on Monday. On Tuesday it returned from Windsor, without the slightest hint of objection on the part of his Majesty; and as I had been accustomed to do, on receiving the royal sanction, I immediately forwarded the dispatch to Ireland. In the mean time objections were stated, merely in point of form, to the mode of proceeding in this measure by clauses in the Mutiny Bill, and on a full reconsideration of the subject, it was thought better to introduce a separate bill. On Wednesday I attended the levee at St. James's, and had my usual audience of his Majesty. After that audience, his Majesty enquired, what business was going forward that day in the House of Commons? I replied, that the Mutiny Bill was to pass through one of its stages, and explained to his Majesty the

Further
particulars
of the dis-
patch.

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reasons, which had induced me to embody the clauses for allowing the Catholic's admission into the army and navy in a separate bill. His Majesty approved of the change, and then asked me, whether the bill were the same as the Irish bill of 1793? I stated in what the difference consisted; observing, that it had been fully detailed in the various dispatches previously submitted to his Majesty's inspection. Here, Sir, I must acknowledge, that his Majesty did express a general dislike and disapprobation of the measure; but not in such a manner, as to induce me to conclude, that the reluctant assent originally given by his Majesty was withdrawn, and that I was not empowered to introduce the bill. What confirmed me in my opinion was, that my Lord Grenville had a subsequent audience with his Majesty, in which his Majesty did not make a single observation on the bill. On Thursday or Friday (I do not recollect which) I introduced this bill into the House. During the whole of a week, although I had various communications with his Majesty on other subjects, his Majesty did not make the slightest objection to this bill, nor was any intimation on the subject received from his Majesty, untill the Wednesday following; at which time I was precluded from attending my duty in this House by a family calamity, when his Majesty stated decidedly his objections to any extension of the provisions of the Irish act of 1793. From that moment, we were convinced, that his Majesty had misunderstood the subject; or rather, I was convinced, that I had

misunderstood his Majesty. Having unfortunately introduced the measure into the House of Commons, in the belief, that I was sanctioned to do so by the King, I immediately suspended any further proceedings on the bill, demanded an audience of his Majesty on the following day, and convinced him, that I had been misled, and that I had misunderstood those gracious expressions, which he had used on the subject on a former occasion.

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“ From that moment it became the most anxious consideration of ministers how to reconcile their public duty with their respect for the feelings of his Majesty. We attempted to correct the bill; but the objection of his Majesty was so extensive, that we found it was impossible so to modify the measure, as to remove that objection, and at the same time leave it efficiently beneficial. In this situation we preferred abandoning the bill altogether. In doing this, Sir, I own, that I made a most painful sacrifice of all personal feelings to my sense of public duty: but this is a sacrifice, which, however painful, I trust I shall never hesitate to make. We therefore offered to withdraw the bill, but at the same time, we felt the necessity of adding something to that offer. On a former occasion a desire had been intimated, that nothing of that kind should in future be pressed. Other intimations had been made of a similar nature. We, therefore, thought it right to reserve to ourselves the power of expressing our opinion, and of suggesting to his Majesty any future measure, that might seem to us expedient, accompanied, how-

Royal objections to Lord Howick's bill.

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ever, with a respectful declaration, that all the members of the cabinet were most eager to contribute every thing in their power to his Majesty's personal ease and comfort. This part of our proceeding, Sir, has been most shamefully misrepresented to the public. In falsely stating, that we wished to reserve to ourselves the right of pressing this subject on his Majesty in future, it has been omitted, that our only risk was to submit any measure to his Majesty's revision; it was omitted, that we assured his Majesty of our earnest desire to regard his personal ease and comfort. Sir, in what situation should we have been placed, had we not retained the right of expressing our sentiments? The bill introduced by us must be withdrawn. I certainly felt, that without exposing his Majesty's opinion, I might have assigned sufficient reasons for withdrawing the bill, on account of the opposition, which had been made to it; but, Sir, was it possible, consistently with mine honor, and consistently with my sense of duty to my colleagues, that I could refrain from declaring my own sentiments upon it? Besides, in withdrawing this measure, we had actually to look to a Catholic petition, and to the pressing the general question with more eagerness than ever, on the consideration of Parliament. His Majesty in reply, expressed his satisfaction at the deference we had shewn him, but required us to withdraw the other part of our statement, and to give an *assurance in writing*, not only, that we would never again propose the measure in question, but also, that we would never

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propose any measure connected with it. As far as personal motives operated in this demand, I am convinced, that they were of the purest description. For during the short time, that I had the honor of being in his Majesty's service, I have had frequent opportunities of remarking his Majesty's gracious and benevolent affection for his people, and the anxious desire, by which he is urged to promote their welfare. As far, therefore, Sir, as his Majesty was personally concerned, I can have no doubt, that in this demand he was actuated by the most honorable and conscientious motives alone. But neither I, nor any of my colleagues being able to assent to this requisition, we stated to his Majesty the impossibility of our complying with it. The next day his Majesty, in the same gracious manner, that we have been accustomed to experience from him, informed us, that he must look out for new servants. Two days afterwards I was authorised to state this circumstance to the House, and on Tuesday last his Majesty signified his pleasure, that we should resign our offices next day. This is a statement of the whole transaction, as far as it can be stated, without a reference to the various documents, that I have described. I much wish, that those documents, in an unmutilated state, were before the House and the public; and if his Majesty will be graciously pleased to give orders to his servants to produce them, I for one shall be grateful. Those documents will bear me completely out in the assertions; first, that we did not propose the mea-

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sure to his Majesty without having sufficient motives for so doing: secondly, that we did not propose the measure to Parliament without sufficient reason to be satisfied, that it had his Majesty's concurrence: thirdly, that when we discovered his Majesty's unsurmountable objection to the measure, we fulfilled our duty by acceding to it; and that in adding the respectful request to allow us the liberty to state our opinions on that subject, and to propose to his Majesty any future measure, that we might think expedient, accompanied with the assurance of our anxiety for his Majesty's personal ease and comfort, instead of improperly pressing the question on his Majesty, we were simply doing that, which not to have done, would have been to have justly subjected ourselves to the reproach of every honest and honorable mind.

Effects of
the uncon-
stitutional
pledge.

No change in his Majesty's councils ever produced so violent an embarrassment amongst the persons calling themselves *King's Men*, as the present. The unconstitutional pledge against the oath of a privy counsellor was too rank and glaring to be openly abetted by any man, who even pretended to principle. The progress of the transaction for the first three weeks was too substantially established to admit the surmise of any misconception. And his Majesty's offer to continue his servants, if they would sign the pledge demanded, was a full refutation of any intended imposition or deception: against which it would be no security, when signed.

Ireland had been governed for five years by Lord Hardwicke, during which he and his undermanagers had contrived to keep the grand question of emancipation at rest, under a hollow semblance of conciliation. It was natural therefore for his Lordship to sympathize with those, who had openly professed, that their aim was to continue that system of keeping the Irish Catholics satisfied and quiet without the attainment of what he had been expressly sent over to prevent their enjoying. His Lordship having had serious differences with Mr. Pitt and Mr. Foster in the latter end of his viceroyalty, had formally attached himself to the Grenville party. He well understood the open and secret movements of the court and cabinet: and under all these alarming symptoms he waited upon the King, and solicited a private audience, which was the more readily granted, as his Lordship had long been a personal and confidential favourite of his Majesty. He came, he said, to perform an ungracious duty. His Majesty would be sensible, how unpleasant it was to him to state opinions opposite to those of his Sovereign, in his presence, which nothing but his Majesty's own interest, and that of the Empire would have forced him to do. The King said, he was fully persuaded of that; for that he and his family had never joined any faction, and he hoped never would. Lord Hardwicke then entreated his Majesty to consider, whether it would not be most advisable for him to be satisfied with the concession his ministers had made in giving up the Catholic Officer's Bill with-

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Lord Hard-
wicke's au-
dience of the
King.

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out dismissing them. He humbly ventured to advise his Majesty to stop there; persuaded, that it would be most for the quiet and peace of his Majesty's mind. Those, who were to succeed in the ministry, were in his firm opinion of them, and from their having formerly shrunk from those situations utterly unequal to carry on the government. The appointment of such a ministry must end in a dissolution of Parliament. A violent measure at that time; and one, in which so feeble a ministry must have recourse to religious violence, the base cry of *no Popery, Church in danger, &c.*; and they would necessarily divide his Majesty's subjects. He had been five years in Ireland, and he was sure, that such a violent spirit raised in England, must tend to alienate the Irish still more from the English, by obliging them to consider the English as decidedly hostile to the success of their petition. His Majesty must know, that the present ministers had gained voices in Ireland in the late elections; and that they had since become still more popular by the enquiries they had instituted, by avoiding taxes, and by consulting upon many occasions the interests and the wishes of the people. And for all those reasons, he humbly offered his advice to his Majesty to retain his present ministers. The King was exceedingly civil in his manner, said very little, but observed during the conversation, that those, who *had advised him* to dismiss his ministers, meant very well, at any rate.

The contest between the old and the new ministers was kept up longer, and with more tenacity, than was ever before known upon a change of government. The dismissed were charged by the new ministers with the unconstitutional indecency of dragging their Sovereign to the bar of the House of Commons, to take issue with his subjects upon his avowed right of dismissing and appointing his servants. They were also seriously arraigned of a long systematic plan for overturning the established religion and constitution, which was industriously supported throughout the country by fomenting and spreading the inflammable and dangerous cry of *no Popery*, and *Church in Danger*. On the other hand, so glaringly unconstitutional did the dismissal of the late ministers appear to the parties dismissed, that they trusted a full exposition of the case would inevitably reinstate them. They determined therefore to take issue with the nation upon the simple and broad question. *Must not every act of royalty have a responsible adviser?* Never before was the entire weight of the court and government so powerfully brought into action against the independence and virtue of the country. The very words of a privy counsellor's oath disclose his duties, and the dreadful responsibility of the adviser of such a pledge. He swears, "faithfully and truly to declare his mind and opinion according to his heart and conscience in all things to be moved, treated and debated in council." A pledge of that sort would bind a man to direct perjury and the connivance at the

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Violent difference of the two parties.

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greatest of political evils, the destruction of the constitution. Such an innovation in the constitution*, would be in practice to convert the mature

* Upon this extraordinary change of administration, there appeared some letters, or rather essays in the Morning Chronicle, under the signature *Scævola*, which are pregnant with so much wisdom and experience, and breathe throughout so pure a spirit of the enlightened and constitutional Statesman the late Mr. Fox, that afford the cheering prospect to the Empire, that his surviving spirit animates his representative, and will ultimately prove the salvation of this country. In the 2d of those letters, (they are a touchstone of constitutional policy) the mischief of these pledges is thus emphatically exposed. "What would be the practical effect of this innovation in our constitution? It would be giving in substance and in effect, a negative before debate to the secret advisers of the crown. Men unknown in the constitution, responsible to no tribunal, guided by private favour and affection, or prompted by idle fancies or arbitrary caprice, counsellors neither tangible nor visible, but like wicked spirits known only by the evil they produce. They would usurp at this day in the English constitution the same dangerous powers, which were enjoyed and abused in the Scottish parliament by the Lords of the Articles, under the tyrannical House of Stuart. Whilst Ireland was considered and treated as a conquered province, the privy council of England had a negative before debate on the proceedings of the Irish parliament. But when after three centuries of slavery and submission, the Irish nation and Irish parliament re-asserted their rights, and recovered their dignity and their importance, one of their first acts was to abolish this badge of servitude. Yet this was a privilege lodged in the privy council of England. But the negative now sought to be established, not in Ireland, but in England, is to be placed: Where? In the secret unknown irresponsible advisers, of the crown. The great historian of England, whose general leaning is certainly not so much in favor of popular government, has remarked in one of his essays, "that if the King of England had "a negative before debate, and could prevent any bill from

negative, certainly vested in the executive, into an abortive *Veto*, by enabling the King to strangle the *fetus* on its first conception in the House of Commons. The more moderate of the new men admitted the *general* doctrine, that there was no act of the crown without responsibility: but the rule was not without exception. Such exception eminently occurred in every instance, where the King dismissed his ministers: for there he must necessarily be without advisers: or the royal prerogative of choosing and dismissing his servants would be otherwise nugatory*.

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On the 9th of April, Mr. Brand moved in the House of Commons; "that it is contrary to the first duties of the confidential servants of the crown to restrain themselves by any pledge expressed or implied from offering to the King any advice, which the course of circumstances may render necessary for the welfare and security of any part of his Majesty's extensive Empire." On which motion a very warm debate lasted till near seven o'clock in the morning, when the division was 258 for passing to the order of the day,

Mr. Brand's motion.

"coming into parliament, he would be an *absolute Monarch*: that if he could crush a disagreeable bill in embryo, the British constitution would have no balance, nor would grievances ever be redressed." But that device for crushing a disagreeable bill in embryo, which Hume's sagacity foresaw, the secret advisers of his Majesty have at last discovered."

* His Majesty acted with more candor, than his new servants. He scrupled not to admit to Lord Hardwicke, that certain persons *had advised* him to dismiss his late servants: but they meant very well at any rate,

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and 226 for the motion: by which the ministers had a majority of 32.

Duke of
Cumber-
land's at-
tempt on
the univer-
sity of Dub-
lin.

The first novelty of any consequence to Ireland and to the illustration of the system, which occurred in this debate, was in the maiden speech of Mr. Plunkett. After having strongly reprobated the dangerous, illegal and unconstitutional conduct of those, who had been so active in raising alarms in the country, he proceeded. "Not satisfied with their placards, &c. an attempt has been made by the Chancellor of the University of Dublin (the Duke of Cumberland) to disturb the peace of that university, by endeavouring to procure a petition against the Catholic bill. Finding (to the honor of that learned body) the first application unsuccessful, a second had been sent, in which it was intimated, that, the only way to preserve the favor of the royal Duke, was by signing such a petition. He was not aware, whether the latter application took place after the measure had been abandoned in Parliament, or before. If after, it was a political scheme to support the new administration: if while the bill was pending, it was an unconstitutional and unwarrantable interference*."

* Mr. Plunkett on this occasion deserved so well of his country, that it is next to a duty to transmit to posterity the quintessence of his speech in that debate. "As well might it be expected, that shutting one's eyes would arrest the fall of a body irresistibly impelled by the laws of gravitation, as to suppose, that by inattention to Ireland, the evils, to which he had alluded, would of themselves subside. He spoke in the pre-

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Mr. Perceval,
Mr. Grattan, &
Sir Samuel Romilly.

As Mr. Perceval took a leading part in that debate, and is now the prime minister of that administration, which was then put into power, it will not be irrelevant to the object of this history, to remark, that he laid it down as a political axiom, *that nothing could be further conceded to the Irish Catholics, without danger to the establishment, and therefore he would never hold out any hopes to them.* Mr. Grattan made a long and impressive speech in reply to Mr. Perceval; a single passage of which will give the reader no very imperfect idea of its general tendency. "The whole of that Right Hon. Gentleman's speech laid more stress upon the disposition of the late ministry, than on the principle of the measure. He kept out of view the nature of the difficulties it was likely to remove, and the value of the benefits, it was well calculated to produce. But the House would recollect, that the bill went to create a community of interests amongst those, who were involved in an

sence of persons, who were well acquainted with the facts. What must be the effect of the demand upon the late administration for a pledge against the Catholics of Ireland? Had ever such a pledge been before demanded, as it related to any of the inhabitants of the Empire? The right of the meanest individual to lay a petition at the foot of the throne has been long established. But here was a restriction on the claims of millions. This was not a mere novelty; it was a prodigy, an alarming appearance in the constitution. Only unbounded power, or unerring wisdom could impose such a pledge. What must the feelings of the Catholics of Ireland be, when told, that the conscience of the Sovereign is hermetically sealed against them?"

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identity of danger: that it proposed to combine an integrity of principle: that whilst it conferred privileges on the Catholic subject, it imparted to the Protestant establishment, the best support against a great menacing enemy, with whom we cannot contend without the integrity of our population." Of all the supporters of Mr. Brand's motion, Sir Samuel Romilly grappled the hardest with it's opponents. He firmly contended, that it was unconstitutional and contrary to the first duties of the confidential servants of the crown to restrain themselves by any pledge express or implied from offering to the King any advice, which circumstances might render necessary for the welfare and security of the Empire, and this brought home the matter to an unanswerable point. The new Chancellor of the Exchequer so much dreaded the responsibility of such advice, that he exposed not only the existence of the secret cabinet, but left his Majesty to all the humiliation and danger of braving the constitution, by assuming to act in the most sacred functions of the state without any advice at all. Thus depriving his people of their constitutional redress against the mischiefs of weak or wicked measures. What could be more degrading to the Sovereign, and unmanly in the servant, than to receive the wages of service, and withdraw from his master the only shield, which could protect him from personal danger and insult? The words of Mr. Perceval, as quoted by Sir Samuel Romilly on this occasion were. "That to the best of his knowledge and belief, the King

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“ had no adviser on the point of requesting the
“ pledge. That he did not believe the King had
“ any adviser: and he did not think, the country
“ would believe, that the King had any adviser on
“ that point.” Sir Samuel Romilly insisted, that
it was of the greatest importance to the King,
that the doctrine of responsible advisers should be
maintained. History had unfolded the evils re-
sulting from the prevalence of a contrary prin-
ciple. It had been asserted by the mover of the
previous question, that Ministers had not entered
into any pledge, that they would not give his Ma-
jesty any advice on the subject of the Catholics.
Now as the late ministers were dismissed, because
they refused this pledge, either the pledge on the
part of the present ministers was implied, or they
had deceived his Majesty: for it was not pretend-
ed, that his Majesty had any objection to his late
ministers, except the difference of opinion, which
occurred upon this subject.

On the 13th of April, the Marquis of Stafford
made a motion in the House of Lords of a similar
tendency, though of greater extent, than that of
Mr. Brand's in the Commons. This* was meant

Marquis of
Stafford's
motion in
the Lords.

* The motion was expressed in the following words. “ This
House, feeling the necessity of a firm and stable administration
at this very important crisis of public affairs, resolve, that it is
impossible to view, without the deepest regret, the change, that
has recently taken place in his Majesty's councils; which re-
gret is considerably encreased by the causes, to which that
change has been ascribed; it being the opinion of this House,
that it is the first duty of the responsible ministers of the crown
to restrain themselves by any pledge, expressed or implied, from

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as a trial of strength in the Upper House. It was warmly debated till seven o'clock in the morning, when Lord Borington's motion for adjournment, was carried by a majority in favour of ministers of 81 : 90 having voted for the motion, and 171 for the adjournment. This debate furnished some matter of peculiar importance to Ireland. Lord Hardwicke was the first on his legs to support the motion. He had recently been closeted with his Sovereign, and although much of their communications may have faithfully gone forth to the public : much also has probably been kept back, out of delicacy to the parties, whom its publication would have affected in a disagreeable manner. Whoever reflects upon the anxious ardour, with which the noble Earl laboured throughout his speech to remove from the shoulders of his friends the imputation of intended imposition on the royal mind, will naturally (perhaps erroneously, certainly not rashly) conclude, that his Majesty *had been advised*, and that deception had been practised with full design. Lord Grenville having lately spoken so fully to the general subject, said but little on this occasion. That little however involved much with reference to Ireland. " With respect to the trite question, " why he introduced the bill if not necessary, and " if necessary, why he abandoned it ? He referred " them to Lord Castlereagh, as more conversant

giving any advice to his Majesty, which, to the best of their judgment, in the course of circumstances they may think necessary, for the honor of his Majesty's crown and the security of his dominions."

“ with the solution of difficulties arising from ter-
 “ giversation, and who had imported the question
 “ from Ireland, *for the carrying of which, he*
 “ *stood pledged to that country*.*”

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A third and last, though a still more ineffectual struggle, was made to retain the ministers in their situations: for notwithstanding the new appointments, the old ministers held a language little short of that, which could only be justified by possessing the public confidence of the Sovereign. Mr. Lyttleton on the 15th of April, moved according to notice in the House of Commons; “ That
 “ this House considering a firm and vigilant ad-
 “ ministration indispensable in the present posture
 “ of public affairs, has seen with the greatest re-
 “ gret the late change in his Majesty’s councils.” This too was a long and heated debate. At seven o’clock in the morning on the division, the minister had an encreased majority: viz. 46: for the previous question 244, against it 198. This debate brought forth more information concerning Ireland, than either of the two former. Mr. Tighe, who strenuously supported the motion, felt himself particularly called upon to take a part in that debate, as the county he had the honor to represent, was even in danger of having its tranquillity affected by the proceedings on some of the points, which were involved. The late ministers

Mr. Lyttle-
 ton’s mo-
 tion and
 Mr. Tighe’s
 speech.

* It is not to be forgotten, that Lord Grenville was a co-operative leader with Mr. Pitt in that administration, of which Lord Castlereagh, then a secondary, gave the pledge on behalf of his principals

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had conducted themselves in a manner, which had done them much honor, and given great satisfaction to the country. He thought them particularly to be commended for the constitutional principle, on which they had retired from office, refusing to give a pledge inconsistent with their duty. He condemned the cry of the church being in danger, and reprobated particularly the address to the inhabitants of Northampton by Mr. Perceval*. He insisted on the pledges holden out by the government pamphlet, and by the speech of Mr. Pitt on the question of the Union. All the prostitution of the public revenue, seats in parliament, of officers of the law, of the dignities of the church, and of the peerage itself, which had been lavished on that occasion, would have failed, if the Catholic bishops had not been induced to influence their priests, and the priests to influence the people to agree to the Union. The tranquillity of Ireland must be materially affected by the removal of the Duke of

* Of that address of the new Minister to his constituents, Sir Samuel Romilly thus spoke in the debate on Mr. Brand's motion. "A cry has been raised, that the church is in danger; that we are threatened with the times, when the streets ran with blood. The mischief of this expedient is so great, it is with deep concern, I find it resorted to. It is with deep concern I have seen papers published, particularly an advertisement in a newspaper, by a Right Hon. Gentleman opposite (Mr. Perceval), stating, that it was become necessary for him to stand by his Sovereign; that he was making a stand for the Protestant religion, and calling on the people to second him with their exertions."

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Bedford. He did not however see any ground for apprehending any alarming disturbance, because the people of Ireland had been accustomed to view with cold determined apathy all changes in administration here, as none of those changes were attended with any benefit to them. Few recruits were to be had in the South or in the West, because there was no security for the free exercise of religion. Some years ago, a gentleman had got some men in his neighbourhood, upon his own pledge and the pledge of a magistrate, that they should always be allowed the free exercise of their religion; but when they arrived at their quarters in the Isle of Wight, they were compelled to attend the Protestant worship, and forbidden ever to attend a neighbouring chapel of their own, under pain of military punishment. Consequently the recruiting proceeded but slowly in Ireland, though the country were poor, and the bounties offered extravagantly high. Since the Union, Ireland had felt no community of rights, no community of commerce; the only community it felt, was that of having one hundred assessors in the British parliament, who were to give ineffectual votes for the interest of their country, as he might do that night.

Mr. Gore lamented the effects of the mild system of the Duke of Bedford. That system had led to the murder of five men in one county, in which 25 men were then in prison for disaffection. If such were the effects of the mild system of the Duke of Bedford, he thought it high time to in-

Mr. Gore's
speech.

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introduce another system. He would have supported the Catholic Officers Bill, if it had been brought forward as likely to be beneficial. But the late ministers adopted that bill only as a compromise to get rid of the larger Catholic question, a compromise, which was despised by the Catholics. He charged the late ministers with omitting to serve the Catholics on the most essential points, on the point of national education, without which it was nugatory to think of any extension of rights to the lower classes. What had the late ministers done towards the necessary diffusion of knowledge? Had they ever done any thing to remedy the mischiefs arising from the mode of collecting tythes? These were the things, that principally required to be remedied in Ireland. A country worthy of better treatment, and whose hardy sons, if properly encouraged, are the best bulwark of Great Britain.

Sir John
Newport.

Sir John Newport hoped, that when he should have satisfied (Mr. Gore) of the attention paid by the late ministers to the education of the people of Ireland, and the formation of an arrangement on the subject of tythes, he would be entitled to count on his vote, and that they would be restored to the good opinion he had of them a month since. The statute book* would prove, that one of the

* Certain it is, that several salutary acts were added to the statute book during the Bedford administration: but they were not generally felt by the people. It is in nature, that if a great and vital object be ardently desired and reasonably expected, the disappointment at its rejection or refusal will render the suf-

first acts of the late administration had been to institute a commission to enquire into the application

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ferers for want of it insensible to smaller benefits, which they had not petitioned for or even anticipated. An act of the preceding session was repealed, which charged a duty of 3s. upon certain small tenements or dwelling-houses. The Additional Force Act was repealed. An act was passed for regulating controverted elections of members to serve in Parliament: an act for continuing for 21 years several acts relating to the lighting and cleansing of towns in Ireland: for regulating the supply of Dublin with coals, and for encouraging collieries in Ireland. Numerous acts (14 in all) were passed for regulating and securing the collection of the revenues of the customs and excise, and for preventing frauds and imposing new taxes. Useful acts were passed, for better regulating and providing for the poor, and the management of the infirmaries and hospitals: for reviving an act for enabling the Lord Lieutenant to appoint commissioners for enquiring into the funds and revenues granted for the purpose of education, and enquiring into the state and conditions of schools in Ireland, and an act for amending the act for the relief of the poor of the preceding session. One act was passed on the 19th of February 1807, which gave great dissatisfaction to many in Ireland, and created jealousies and suspicions, that the country was intended to be coerced under the new ministers, as it had been under their predecessors. Although the Threshers had been suppressed, as the ministers boasted, by the vigor of the common law, many considered the gunpowder act, as the re-introduction of strong measures, for which no reason appeared, nor had even been declared by the government: that was, an act, "To continue for the term of seven years certain acts of the parliament of Ireland, for preventing the importation of arms, gunpowder and ammunition, and the making, removing, selling, and keeping of gunpowder, arms, and ammunition without licence." The temporary act for this purpose, which was the 40th of Geo. III. would, if not renewed, have expired by effluxion of time on the 1st of August 1807. The protraction of this restrictive measure for so long a period,

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of the funds vested in Ireland, for the purposes of public education. These funds the noble Lord opposite, (Lord Castlereagh) now a member of the cabinet, and then at the head of the Irish government, had suffered to remain shamefully misapplied to individual interests and corrupt purposes, though the report of a committee had imperiously called upon him to reform them. The correction of abuses always excited the hostility of a number of corrupt individuals, and no doubt the late ministers felt the mischief of exciting a faction so powerful, and the present ministers felt the benefit of the resentment. In Ireland the funds, that were established originally for public education, were suffered to be applied for a century for mere private benefit, and the determination of the late government to reclaim them had excited the animosity of those interested. With respect to the tythes also, the late government had nearly arranged a plan, which would do much to tranquillize the country; and he could assure the House, that without an arrangement with respect to the tythes, Ireland never would be in the situation it ought. Measures of this nature were not to be expected from men, who raised a cry, that the church was in danger, merely to get themselves into power. The nobleman, who at present held the privy seal, (Lord Westmoreland) who had granted all the

bespoke no expectation or promise of a speedy change of system from a change of ministers. Whether necessary or not for the tranquillity of the nation, it certainly had the effect of increasing discontent and disaffection.

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church livings in Ireland, two or three together, and the persons of the other side, who had agreed, at the time of the Union, to grant just forty-two times as much as the late Catholic bill proposed to grant, were certainly well entitled to raise this cry of the danger of the church, and to come into power to protect it. He, for one, though he had supported the Union with his best exertions, would have never consented to it, nor would all the intrigues, nor all the gold lavished to carry it have succeeded, unless there had been a full assurance, that the Catholic measures would immediately follow upon it. Ireland would force itself upon the consideration of the House and of the Empire, of which it was a vital part; it was in vain to overlook the wants and the interests, the expectations and the rights of Ireland; it was in vain to trifle with the pledges given; Ireland must have its weight, for it must be felt, that the common enemy could not be resisted without Ireland. The pledge, given under the authority of the noble Lord opposite, could not be evaded, though the noble Lord may not act as it required him. The noble Duke at the head of the present government had given a still stronger pledge. He had written two letters to two officers of the Irish Brigades, inviting them to enter into the service of this country, on the promise of making the Irish act of 1793 general, and further, of opening the whole military career to them.

Mr. Tierney began by observing, that although the gentlemen on the other side stated expressly,

Mr. Tierney.

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that his Majesty had no adviser in this instance, but acted entirely from himself, he could not credit the truth of that assertion. He believed the King had secret advisers; and he had suspected for more than a month before the late ministers were dismissed, that he was influenced by secret advisers. He believed in his conscience, that his Majesty would never have demanded that pledge, if he had not been set on to do so by some secret advisers; and it was the only thing, which could make the present ministers hope to retain their situations. It appeared to him, that the pledge was thought of only for that purpose; that it was mischievous to the interests and the peace of the country; but that to Ireland it was the most fatal blow, that the heart of man could conceive. The system, however, by which the ministers promised to govern Ireland, was contained in two very pretty words, *firmness and conciliation*. What they meant by *firmness* was pretty generally known; but what they meant by *conciliation* was past his power to conceive. Conciliation was generally supposed to consist of giving and taking, but the conciliation of the present ministers was to take away every thing, and to give nothing; not even hope. It was insulting to the Catholics of Ireland, that those doctrines should be now avowed and supported by a noble Lord (Lord Castlereagh), who, in 1801, wrote to the leaders of the Catholic body, to tell them, that if they would be calm and quiet, and trust to him, their claims should be granted.

On the 18th of April, 1807, a general and very important meeting of the Catholics took place at the Exhibition Room, William-street, pursuant to public advertisement. The Earl of Fingal having taken the chair, stated, that at the suggestion of the gentlemen, who had been appointed as a committee for preparing and forwarding the proposed petition to Parliament, he had convened that meeting. That since the last general meeting at the *Rotunda*, important events had occurred, which rendered it necessary to pause, and view the determination of that day. Under that impression he had endeavoured to obtain the advice of friends; whose sincerity and disinterestedness had been so completely proved, and that every respect and attention was due to their recommendation.

Mr. Grattan's first letter, in answer to that written by the Earl of Fingal, was then read by the Secretary, in which he expressed his thanks to the Catholics for the honor done to him, in soliciting him to present their petition to Parliament; he added, that he should be unworthy of that honor and of the confidence reposed in him, if he did not, in return, give his candid opinion, that a motion in Parliament, on the petition, would, at that moment, be injurious to the Catholics, which opinion the probable or actual change of ministers does not alter, but tends rather to confirm. Mr. Grattan added, that he should deem it expedient to procure the opinion on the subject of those friends, who had supported the measure so ably in Parliament, and who had recently given such

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A meeting
of the Ca-
tholics.Mr. Grat-
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strong proofs of their sincerity ; he would, therefore, endeavour to obtain a meeting of those gentlemen for that purpose, and transmit the result to his Lordship as soon as possible. Mr. Grattan, in a second letter stated, that he had procured the meeting, to which he alluded, and that it was the decided and unanimous opinion of the noblemen and gentlemen, who took the trouble to consult on this occasion, that it was unadvisable to present a petition at that time.

Mr. Keogh's
speech.

Mr. Keogh opened the debate. " We are called upon, said he, this day to decide, whether the petition of the Catholics of Ireland, now upon the table, shall be forthwith sent to England by our noble chairman, to be presented to the Imperial Parliament. Those events, which have so recently occurred, will enable this meeting to determine, as becomes the character of the Catholic body. We are all apprized, that the late ministers brought a bill into Parliament, to enable his Majesty to promote all dissenters, including Catholics, to any military commission whatever. This bill did not grant to the Catholics any privilege : but should our body ever produce a *Moir*, a *Hutchinson*, or a *Nelson*, by this bill their services might not be lost to the state. The King would have power to promote them, provided his conscience should not forbid. This bill, however limited, was not honored with Royal approbation. Ministers consented to drop, or give up the bill. This was not deemed sufficient ; they were called upon for their signatures, that they should never again propose that measure,

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or any measure connected with it; this they declined, and have resigned or been dismissed. A short time before this avowal of the royal will, the Catholics of Ireland had prepared the petition on our table, for a repeal of those laws, by which they are disqualified and degraded; their meetings were attended by all the Catholic nobility then in Ireland; a great number of gentlemen of landed property, and by many of our most opulent merchants. In all these meetings there was perfect unanimity; not one dissenting voice. After mature deliberation, it was the collected sense of our body to petition the Imperial Parliament. In the short period of a few weeks many fearful changes have taken place, and religious ferments been excited, which call upon the Catholics, in their decision this day, to give a proof of their temper, firmness and good sense. From the uncontroverted statement of the late ministers, it appears they did intend to govern Ireland without persecution, but to let the Catholic question rest; that is, not to repeal the laws, of which we complain; this is the extent of the intentions they had then in our favour. But those laws are pregnant with mischiefs not apparent in their strict letter; they continue to produce one grievance after another, and hence has arisen that succession of petty insurrections, which have distracted and disgraced this ill-fated country for half a century past. In the last year, there was an insurrection of the peasantry in the county of Mayo, not against the levying of tythes, but against the oppressive mode of exact-

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ing them. Government did not resort to martial law to quell those disturbances. They sent judges into the disturbed country, and the insurrections were suppressed, and the leaders punished by the regular course of law. As a remedy for these and similar disturbances, the English ministers resolved to encourage our Catholic gentlemen to enter into the army and navy, and through their influence to induce our peasantry to enter the service in greater numbers. One of their objects, they admit to be, to lessen our population, and, on the whole, to change disorder and weakness into subordination and strength. But candor must compel us to allow, that this bill would not have given them any great claim for gratitude from the Catholics; to relieve them was not the object of the bill; it did not profess to admit them to the privileges of their country. It has been called a boon to the Catholics; but, in truth, had it been carried into effect, it would have been a boon given by the Catholics; the boon of their blood, to defend a constitution from which they, and they only were cautiously excluded. But when the late ministers had their option to sign the paper already alluded to, or to relinquish power with all its emoluments, they gave an example of self-denial and true patriotism, which after ages will quote with reverence and admiration; they preferred principle to power; they preferred the constitution to private emolument; they retired from their high situations, an honor to the country, that gave them birth. But it was not the bill to encourage the

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Catholics to enter into his Majesty's service, that produced this event, for that bill was dropped. Neither had it been solicited by the Catholics; still less could our petition have produced this calamity, for our petition was not presented, nor even sent forward. It is now upon our table, and awaits the decision of this meeting. But because ministers declined to sign an engagement contrary to the oath of a privy counsellor, and which would convey to the Catholics, that their submission to the laws, which degrade them, not their zeal in filling the army and crowding the fleets, nor their enthusiastic courage in every engagement with the enemy, nor even in case of invasion, should they resist and defeat the foe; not any, nor all of these, shall avail: they must still be outcasts. The Catholics now living, and their posterity for ever, were to be refused the common privileges allowed to every other subject; the doom was eternal, and against a full fourth of the empire. This elevated and honorable, and disinterested conduct of the late ministers entitles them to the gratitude of the Catholics, but they are much more entitled to the gratitude and support of the empire at large, whose constitution and best interests those ministers have supported. However melancholy or discouraging our prospect, I confess I do not conceive, that the claims of the Catholics are lost by this disclosure; on the contrary, they appear to me advanced; the mask is removed, and our Protestant brethren, as well as ourselves, are in possession of the true state of our case. The English are a

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wise and reflecting people ; science and liberality are predominant in Scotland ; the present ferment must subside, and the British people will then perceive, that their interests and ours are compatible ; nay, that they are the same. They will see the folly to proscribe four millions of our fellow-subjects, a part of whom are now fighting the battles of the empire in every quarter of the globe. The objects of our petition are truly loyal and patriotic : to unite the whole of our population by interest and affection to defend the throne and the Empire. Should we tell our peasantry, that even hope is at an end ; that we will never more petition ; that they may give themselves up to despair. Our Protestant countrymen might then well cry out, that we were preparing recruits for any invader. No, let us continue the patriotic line we have hitherto pursued : let us tell our oppressed people, that the opposition to our just claims cannot long exist ; it is in direct opposition to the vital interest of the state ; that we do not despair ; that Parliament will attach the Catholics to the Empire, and that we will continue to apply by humble petition for constitutional relief. Our stake in the country, and our own character demand this. But shall we now petition ? I am told there are gentlemen at this meeting, who intend to urge, that we shall now press our petition. These gentlemen will first convince us of the advantage the Catholics can expect from adopting such a resolution. They will not assert, that any success is to be expected at this moment, for its fate has been de-

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cided by anticipation. Parliament is agitated, and the nation convulsed. Great personages have descended to stir up and foment violent prejudices against a numerous people: Is this a time to press our petition? In a few days we shall have to deplore the loss of the present Irish government; they justly possess our confidence and our affection. It is their earnest recommendation, that we shall not now petition. Those great men met to consider our interests. Will a Catholic meeting say, we ask your advice, and we now meet to say, that we reject it; that we will act in direct opposition. Such conduct to characters, who have such claims upon us, would not be consistent with the generous feeling of an Irish heart. It is asked, shall we then withdraw, or suppress, or relinquish our petition? I hope not; our petition, if granted, would have promoted the best objects of the state, and the best interests of our fellow subjects; we may postpone, but not abandon or retract it; nor sacrifice one tittle of the principle, upon which they have hitherto acted. A middle course would preserve the consistency and character of the body; he should, before he sat down, propose, that the petition of the Catholics of Ireland to the Imperial Parliament be consigned to the care of the Earl of Fingal, subject to the future disposal of the Catholic body. This firm, consistent and temperate conduct of the Catholic body would confirm their friends, and prove them worthy of a better fate." Mr. Keogh then entered into a detailed and animated representation of the degraded

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and insulting situation, in which the body of the Roman Catholics was still kept, and thus concluded. “Notwithstanding this, men, whose duty it is to know the true state of this country, asserted in solemn debate, that the Irish Catholics have no cause of complaint, that they are protected in property and in person equally with other subjects. There are thousands and tens of thousands of honorable, impartial and liberal men in Great Britain, who have no idea, that such ruthless persecution ever existed in this woe-worn land. But four millions of men, without one representative to defend them, are game to be hunted down by every wicked enthusiast.”

Counsellor
Hussey.

Counsellor Hussey rose to propose an adjournment of the meeting for a fortnight; he did it with the less reluctance, as the meeting had been so fully gratified in hearing Mr. Keogh, in reply to all his former arguments on this very subject. Then Mr. Hussey examined and combated all Mr. Keogh's arguments. If, however, the adjournment were negatived and the resolution carried, he hoped, it would be considered by the kingdom at large, as a sacrifice for the present, to the personal feelings of his Majesty, and to the advice of Mr. Grattan and other friends. It had been stated by the respectable mover of the resolution, that it was not his intention to abandon the principle, or to withdraw the petition. Why then is it to be proposed, that the committee of the Catholics of Ireland should be dissolved, who by a resolution of the last meeting, were authorized to sit until the

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fate of the Catholic petition then pending, was decided? Why then, was there no person or body authorised to call the Catholics together, when a favourable opportunity should occur? Why was every vestige of the Catholics having ever met, to be so sedulously effaced? Why was not a time fixed, during next session, for presenting their petition to Parliament, with liberty to the noble lord to call a meeting of the Catholics of Ireland, if a necessity for further delay should then exist. These were some of the grounds, that induced him to think, that the Catholic petition was intended to be completely withdrawn, and that, if the proposed resolutions were adopted, it would be a cowardly surrender of the Catholic question, and a forfeiture of character, honor and consistency. He congratulated the respectable mover of the resolution upon the public applauses bestowed upon his transcendent talents, and the rapid circulation of the pamphlet, which purported to be a sketch of his speech, which, if he were rightly informed, had been not only attentively perused by the Royal eye, but was considered as the bible of the present ministry. He concluded with moving the question of adjournment.

Counsellar O'Gorman differed from the respectable person, who had opened the debate, and brought the subject under the consideration of the Committee to the single question, whether or not the Catholic petition should be abandoned *in toto*: for that was virtually the effect of Mr. Keogh's

Mr. O'Gorman.

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motion. He had two insuperable objections to the motion; first, that it was not at all competent to that meeting, convened at two days notice, to rescind the final decision of a series of meetings regularly convened, and of which there was full and due notice given; and next, that if it were, it would be dishonourable and disgraceful to recede at that moment. He had been honored with the confidence of the Committee, and had succeeded in procuring a great number of signatures to a petition agreed to after many meetings, not of the Catholics of Dublin alone, but of all Ireland, after solemn deliberation and debate. He therefore protested against the powers of that meeting to accede to Mr. Keogh's resolution. How then stood the case? Were they not now as well aware as they then were of the obstacles they had to encounter, when, after mature deliberation, they decided upon pressing their claims? Were not the Catholic deputation expressly told by the Duke of Bedford and Mr. Elliott, that pressing their claims at that moment would be not only injurious to their own interests, but to those of the Empire at large? Were they not told the question would turn out of power those great and good men their friends; and place in power their enemies, and of course, those of the constitution? They were told all those things, and still they decided upon going forward, and they did right; no change of time or circumstances should ever prevent them. The question was too mighty to depend upon this or that administration or opposition; the Catholics should ne-

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ver be the appendages of a party, they should make *continual claims* ; no temporary obstacle should ever repress them ; the strength, policy and justice of their cause (upon which alone they should rest) would always force it forward. In the worst of times, when the Catholic had little else, he preserved his honor and his character untainted ; the Catholic has been insulted, calumniated, and oppressed by cruel task-masters, and a bloody impolitic penal code ; but never before this was he made the instrument of his own degradation ; never attempted to be made the appendage of a party. To those noble and exalted characters in both Houses of Parliament, who had espoused the Catholic cause, unceasing and eternal gratitude was due ; any recommendation or advice coming from them should be treated with deference and respect ; and, here, said Mr. O'Gorman, I acknowledge I have to encounter the strongest, or probably the only strong point made in the long and eloquent speech of Mr. Keogh. But the minister's opinions were previously and distinctly known ; the Catholics paid no deference to those opinions, when they were in power, and now that they are out of power, they were all deference and respect ; so they never let their friends rest, until they had turned them out of office ; and now they leave their enemies, their successors in quiet and undisturbed possession of their places. " Let us," said he, " instead of following the advice of the late ministry, adopt their example ; they have set us a bright one ; they have sacrificed their

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“ power and their places to their character and
 “ their principles ; they have done so nobly ; let
 “ us in like manner sacrifice every thing to our
 “ honor and our reputation, and not recoil an
 “ inch. They have been consistent in advising
 “ us, when both in and out of office, not to press
 “ our claims ; we have discarded their advice,
 “ while they were in power, let us also respectfully
 “ decline their advice, now they are out of power ;
 “ thus shall we both be consistent. Upon these
 “ grounds, my Lord, I do humbly submit, that
 “ the petition should, whatever be the conse-
 “ quence, go forward ; yes, though sure there
 “ was not one member in either House to propose
 “ or second it, I would send it forward ; because
 “ any thing is preferable to the disgrace of reced-
 “ ing at this moment ; I shall therefore support
 “ the question of adjournment, proposed by Mr.
 “ Hussey.”

Counsellor
 O'Connell.

Counsellor O'Connell said, that his only motive for pressing himself on the attention of the meeting was, to remove the misapprehension, under which his learned friends seemed to labour. They reprobated the proposed resolution, as tending to the abandonment or suppression of the Catholic petition. If that were its object, no man could be more decided in opposition to it, than he should be. The question was not, whether they should abandon or suppress the Catholic petition ; but whether it were expedient to present it just at that moment. He doubted, if it were now competent to any body of men to vote its suppression ; that

certainly was not the intention of his revered friend, who made the motion, and much as he respected that gentleman, sincerely as he admired his integrity and his talents, he would not consent to sacrifice the petition, even to him: neither would he consent to postpone it to any remote period; even had that been the advice of the gentleman, whom he would call the venerable father of the Catholic cause; for he was the oldest, as well as the most useful of her champions; he had exhausted his youth in the service of the Catholics, and his old age was still vigorous in the constitutional pursuit of emancipation. But could it be said, that since the petition had been determined on, nothing had incurred to induce the Catholics to pause? Within the short period, that had intervened between the last and present meeting, an administration, dignified in character, splendid in talent, and eminent for its useful services to the cause of humanity, had been hurled from power; and in its place, a ministry substituted, destitute of ability, low in reputation, and remarkable only for opposition to every liberal and patriotic measure. Such ministers stood in need of factitious support; and accordingly, with a resolution, frantic as it was fanatic, they endeavoured to rouse all the bad passions of the English nation, and to give vitality to British bigotry in their support. But there was another reason for delay, which he was convinced no Irish Catholic could resist: it arose from the use, which the ministry had presumed to make of the Sovereign's sacred name. It was

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unconstitutional and indecent to attribute any personal motives to his Majesty; his conduct is always the result of the advice of his counsellors; it is false in theory, that he has any opinions of his own; and most assuredly the incontrovertible evidence furnished by well known facts, contradicts the assertion, that he entertains any opinion adverse to his Catholic subjects. He could not tolerate those calumniators of the good old King. The Catholics had under his benevolent auspices, and by his paternal interposition, been raised from the most abject slavery, to the enjoyment of some religious and political freedom? When he reflected, that more benefits had been conferred on the people of Ireland in his reign, than during the combined reigns of all former British Kings, every other consideration was lost in his reverence for the father of his people. Let the ministry then have the benefit even of the abuse of his name; unworthy as they are, they stand within the shadow of his throne, and in respect for that situation, it behoved the grateful loyalty of the Irish Catholics to concede the temporary suspension of their just claims. All that was required was merely, that the Catholics should pause for a moment, whilst the passing cloud obscured their prospects. The pause could be but momentary. If a ministry were to be formed in despite of parliament, and in contempt of the people, if the dregs of every party were to be selected, if every thing, that had fallen over in the shifting of former administrations, as too useless, and too cumbrous for em-

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ployment, were to be organized into a new ministry, there would be produced a rare and curious cabinet; but most unstable and fleeting, and still more fit by the excess of folly and wickedness to oppose themselves individually and collectively to the admission of faithful and energetic millions into the bosom of the constitution. Such ministers might well refuse the opportunity of infusing an increased portion of vitality into the force of the Empire. But their ill starred rule must be short; and shall these men be enabled to reproach Grattan and his illustrious colleagues with the loss of the confidence of the Irish Catholics? Should they be permitted to tell the Grenvilles, the Howicks, the Sheridans, and the Windhams, that their advice had not only been refused by their Sovereign, but that it has also been rejected with insult by the Irish people? It was impossible, that this meeting should justify the reproach; there would, therefore, be no division on the question. He entreated, he conjured the meeting, by every tie of discretion and prudence, by every feeling of generosity and gratitude, not to give even the semblance of doubt to the heartfelt confidence, which they now reposed in the late administration. Whilst they were in office, and that the Catholics remained unemancipated, it might perhaps be permitted to entertain some jealousy respecting their intentions; but after they had actually sacrificed power and place, wealth and ambition, to honest consistency and strict principle, he must be weak in judgment, and wrong in heart, who could refuse

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them the tribute of unbounded admiration. In that view, he thought it would degrade the Catholics to divide on the question; it would shew, that they were destitute of those qualities, which produce respect; it would serve as more than a pretext for the calumnies of their enemies.

Mr. Mahon.

Mr. Mahon assured the meeting, that nothing, but the strong conviction of his mind, that agreeing to the resolution proposed, would be an abandonment of the petition, could make him trouble the meeting. "I remember well, said he, that gentleman (Mr. Keogh) has often strongly insisted, that the Catholics should depend on themselves alone, and I heartily concurred with him; and it is now sought to have them become the appendage of a party. Let a specific time be mentioned for presenting the petition; let there be something determinate, which will retain the principle, and at the same time that unanimity, which is so desirable. (Mr. Keogh declared he would have no compromise.) I am sorry for it, replied Mr. Mahon; and I fear so will this meeting be hereafter. It is, I confess, matter of astonishment to me, how contradictory the conduct of some gentlemen is." As to the want of support from their friends, who, it was said, would not bring in their petition, he referred to Lord Howick's speech, wherein he says, if called on, he would feel it his duty to lay the petition on the table of the House, and express his opinion thereon. Neither he, nor the gentlemen, who acted with him, could, however they might approve of

our going forward, advise us now to it ; after having when in place, recommended the contrary. The honor, the character, the consistency of the Catholics, in his humble opinion, required them to go forward. The right to petition, the meanest subject in the country could constitutionally resort to. He objected to leave the management of the Catholics to any one individual, however respectable or dignified.

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Mr. Hussey persisted in a wish, that some definite time should be fixed for presenting the petition. Lord Fingal (from the chair) took occasion to observe, that all, who knew him, must feel how near an object it was to him to promote unanimity in the Catholic body. No person would go further to attain that end ; or make greater sacrifices to preserve it. He had given ample proofs of this disposition. In a late instance, the Catholics had preserved their unanimity to the injury of their friends ; of those friends, he entertained that high opinion, that to comply with their advice, he would have sacrificed the unanimity of the body ; which, he indeed considered the greatest compliment, it was possible to pay. He was convinced of the wise policy of attending to their counsel on the present occasion ; (their brilliant exertions and great sacrifices indeed, deserved that compliment) that, however painful the effort would be to him, in case the present meeting determined to persist in an application to parliament at this time, he should be under the necessity of withdrawing from the situation, in which he was then placed, ho-

Mr. Hussey.

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norable and gratifying to his feelings, as that situation was ever considered by him. The question of adjournment was negatived, being supported by a very small minority.

The original resolution was then put and carried.

Mr. Keogh then rose and said, " My Lord, " however discouraging and dreadful our prospect, " our duty calls upon us to try every constitution- " al means to obtain relief, before we give our- " selves up to absolute despair. There is a power " in Great Britain, perhaps not inferior even to " the executive. The power I allude to is pub- " lic opinion. Let us appeal to our Protestant " fellow-subjects of Great Britain and Ireland, " by a fair and temperate exposition of our situa- " tion."

Mr. Keogh then moved the following resolutions:

" RESOLVED, That it is expedient at this time, to publish an address to our fellow-subjects of the United Kingdom, explanatory of the principles and motives of the Catholics, and that the same be referred to the Committee appointed to prepare the address to his Grace the Duke of Bedford.

" RESOLVED, That Lord Fingal be requested to wait upon his Grace the Duke of Bedford, and to express the gratitude, which the Catholic body feel for the mild and dignified conduct pursued by his Grace during his administration in Ireland, towards every description of his Majesty's subjects,

and their deep, sincere and unfeigned regret at his Grace's intended departure from this country.* 1807.

“RESOLVED, That the present Committee be now dissolved.”

The conduct of the Duke of Bedford, throughout the whole of his government, accorded with the principles, upon which, at the earnest solicitation of Mr. Fox, he had originally accepted it. He was mild and benevolent to all. Cordially anxious for the welfare and happiness of the people, he lamented, that the progress towards their attainment had not kept pace with his sympathies or expectations. Hence the benevolence and frankness of his disposition received a check, under a consciousness of failure in becoming the suc-

Latter conduct of the Duke of Bedford.

* Lord Fingall having waited on his Grace the Duke of Bedford, received the following answer :

“The resolutions, which your Lordship has been pleased to convey to me, as the sense of that great and loyal body, the Roman Catholics of Ireland, claims my warmest acknowledgments.

“In the discharge of the arduous trust committed to my hands by his Majesty, it has been my constant and earnest endeavour to promote the interests and prosperity of this part of the United Kingdom ; and in now relinquishing that trust in obedience to his Majesty's command, I retire to the less anxious cares of private life, cheered by a conscious feeling, within me, that to the best of my imperfect judgment and abilities, I have done my duty to my Sovereign and to my country. In whatever station I may hereafter be placed, be assured, my Lord, that I shall never cease to entertain the most fervent wishes for the happiness of every class and description of my fellow-subjects in this part of the British Empire.

“BEDFORD.

“April 21st, 1807.”

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cessful instrument of the people's bliss. That appearance of reserve was grossly mistaken by some for official hauteur. It is evident, that he at length became weary of lending his name to measures repugnant to the principles, upon which he had entered into office, and he was determined to give in his resignation. In the progress of the negociation for bringing in Lord Howick's *Catholic officers' bill*, his Grace had freely spoken of it to several Catholics, as sure to be carried. He considered himself as pledged to the Catholic body for its success: and he hoped, it would be the immediate fore-runner of the great and necessary measure of their general emancipation. The intelligence of Lord Howick's having given up that bill arrived at the Castle by a special express nearly forty-eight hours sooner, than the general information of the important circumstance reached the public by the packet. Immediately a confidential communication of that circumstance was made to the principal Catholics through Mr. Hay, their secretary, whose residence, in that moment of fearful inquietude and uncertainty, was the natural rendezvous of the most interested in the fate of that body. By that day's post they wrote the alarming intelligence to their friends in the country; so that it was generally known to, and it violently agitated the principal Catholics throughout the nation, a day or two before the public was assured of the fact by the public papers. It was generally understood, that his Grace deeply lamented the circumstances, that stood in the way of any legis-

lative relief being given to the Catholics. That the British minister, in giving up that practical measure, had given up him: That after having pledged himself for its success, he was distressed at looking at a Catholic in the face, and was determined to send in his resignation immediately, feeling, that he could no longer remain at the head of the government with dignity and effect.

On Sunday, the 19th of April, 1807, the Duke of Richmond's arrival at the Pidgeon House, Dublin, was announced by the firing of a Royal salute of artillery, and the ringing of the Joy bells of the city; the troops of the garrison were immediately called out, and the carriages of the Duke of Bedford, escorted by a squadron of cavalry, were dispatched for the conveyance of the new Lord Lieutenant to Dublin Castle, where he arrived about eleven o'clock. A Privy Council had been previously summoned to meet at three o'clock on that day. The Duke of Bedford arrived at Dublin Castle from the Lodge in the Phoenix Park soon after the Duke of Richmond, where their Graces had a private audience; after which the Duke of Bedford held a levee in the great presence chamber, where the Duke of Richmond was introduced in form. The Duke of Bedford then proceeded in state to the council chamber, the Earl of Arran carrying the Mace, and the Earl of Harrington the Sword of State, and the Duke of Richmond following. The Duke of Bedford being seated at the head of the council board, and his Majesty's commission appointing the Duke of

1807.

Arrival of
the Duke of
Richmond.

1807.

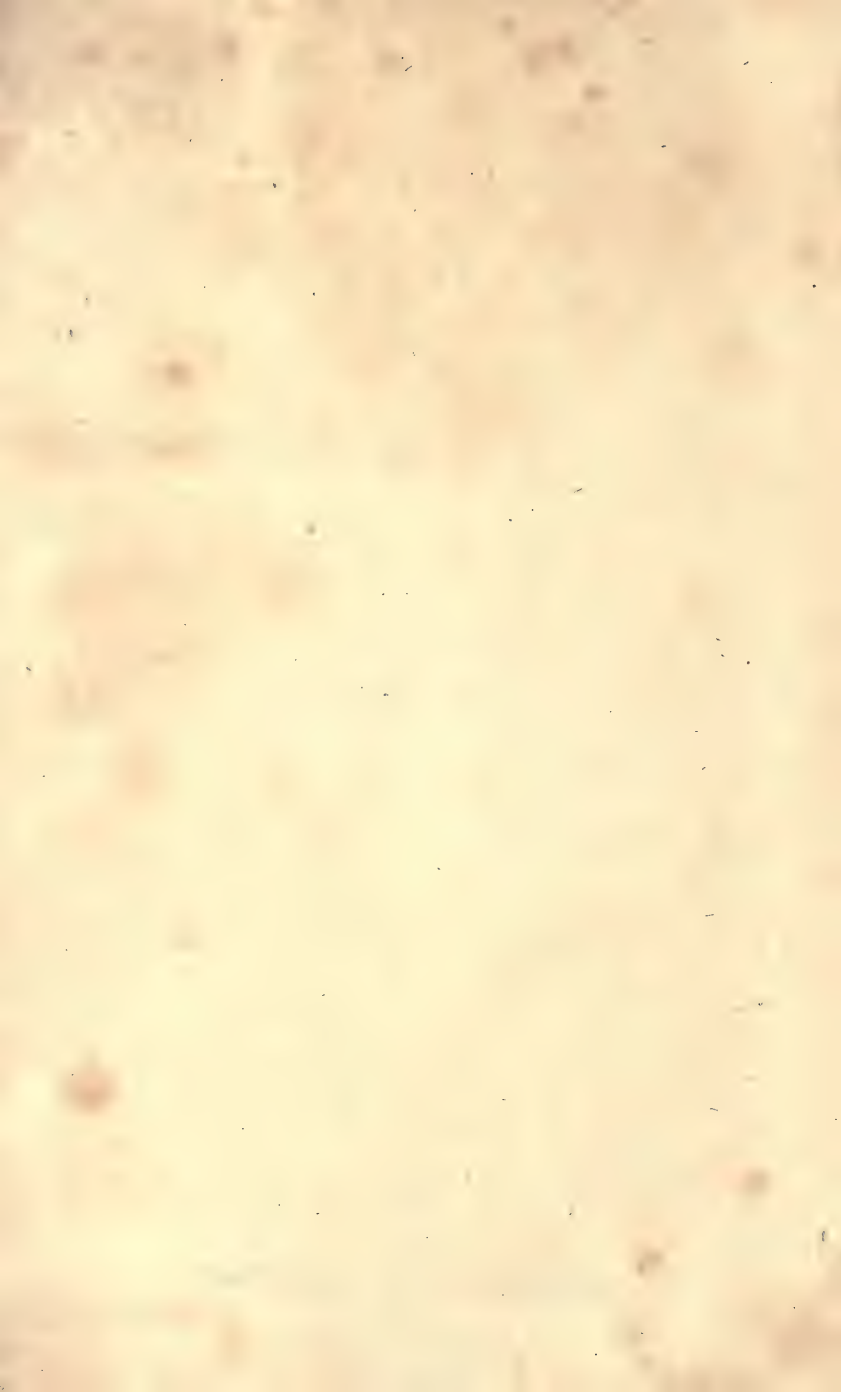
Richmond Lord Lieutenant of Ireland, having been read, he was sworn in accordingly and took his place at the head of the council board.

Departure
of the Duke
of Bedford.

On Tuesday the 21st, after a levee, which was splendidly attended, the Duke and Duchess of Bedford, in separate carriages, proceeded from the Castle to the place of embarkation. The streets, through which they passed, were lined with the military. On their way, the populace, unable to command their feelings, or to express them in a more appropriate manner, took the horses from the carriages, and drew the viceregal pair to the water-side. The Duke of Richmond accompanied them.







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